



## **H.R. 1367 – To improve the authority of the Secretary of Veterans Affairs to hire and retain physicians and other employees of the Department of Veterans Affairs, and for other purposes (Rep. Wenstrup, R-OH)**

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### **FLOOR SCHEDULE:**

Expected to be considered on March 17, 2017 under a [structured rule](#).

### **TOPLINE SUMMARY:**

[H.R. 1367](#) would make changes to hiring authorities, staffing policies, and human resources practices at the Department of Veterans Affairs intended to improve staffing at the department. The bill would also make changes to the requirements for an individual to receive preference in federal hiring based on veterans status, specifically for military retirees and guardsmen and reservists.

### **COST:**

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 1367 would cost \$28 million over the 2017-2022 period, subject to appropriation of the necessary amounts. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

### **CONSERVATIVE CONCERNS:**

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

### **DETAILED SUMMARY AND ANALYSIS:**

H.R. 1367 would make several changes to hiring, staffing, and human resources practices at the Department of Veterans Affairs.

#### **Hiring Authorities and Programs**

Under the Veterans Access, Choice, and Accountability Act of 2014, the VA can use direct hiring authority to fill positions in five occupations identified by the VA Inspector General as having the largest staffing shortages. This allows the VA to avoid the lengthy civil service hiring process and bureaucracy to fill critical

rolls. This bill would expand this authority to cover five clinical and five non-clinical occupations at each VA medical center, allowing more critical roles to be filled on an expedited basis. The bill would also allow former VA employees to be non-competitively appointed to positions higher than their previous VA position if their experience merits such appointment and left the VA in good standing.

The bill would require the VA to establish a promotion path for technical employees that does not require them to assume managerial responsibilities. This policy is intended to ensure that talented technical employees who are not well-suited or best employed in management roles have a path to advance their careers while still remaining in VA service. The bill would also require the secretary to promulgate regulations to allow for excepted service appointments for recent graduates and students.

The bill would require to create a database of qualified individuals who applied, but were not selected for, difficult to fill positions. This database would then be used to more quickly fill such positions in the future.

### **Staffing and Human Resources Programs**

The bill would create a fellowship program that allows senior VA staff and private sector employees to participate in fellowships, with VA staff serving in private firms related to their roles at the VA and private employer staff serving as temporary employees at the VA. The fellows would remain employees of their original respective employers, including for the purpose of payment of salary and benefits. In the case of a VA employee, they would be required to commit to return to VA employment for at least two years and that he or she will not accept private employment in the same industry as they were a fellow in for two years, both under pain of damages.

The bill would require VA political appointees to be subject to annual performance plans and evaluations, covering: recruiting; selecting and retaining well-qualified employees; training and developing employees; and engaging and motivating employees. These plans would be intended to provide accountability and oversight for politically appointed senior staff. Senior civil service staff are already subject to such plans.

The bill would require the department to conduct anonymous exit surveys for departing employees and to collect information and metrics hiring effectiveness, to include the use of special hiring authorities.

### **Veterans Preference**

Under current law, some veterans are eligible for preferential consideration for federal employment. However, this preference is not available to military retirees, or to guardsmen or reservists unless they have served for at least 180 days on consecutive active duty. This bill would expand the preference to include retirees and all guardsmen and reservists so long as they served at least 180 cumulative days on active duty, regardless of whether that service was continuous.

### **AMENDMENTS:**

1. [Wenstrup \(R-OH\)](#) – Manager’s Amendment - Extends the timeline to implement the fellowship program from 90 days to one year and extends the GAO reporting deadline from one to two years. Additionally, it removes the requirement to track a number of hiring effectiveness metrics, changes the establishment of a recruiting database from a “shall” to “may” authority, and stipulates that HR training be accomplished virtually.
2. [Meng \(D-NY\)](#) – Would explicitly require that the IG designate all five shortage clinical positions for each medical facility.

3. [Sewell \(D-AL\)](#) – Would require that preference be given to fellowship applicants from rural areas, when practicable.
4. [Hanabusa \(D-HI\) #25](#) – Would strike the underlying bill’s authority for the non-competitive appointment of former employees.
5. [Buck \(R-CO\)](#) – Would exclude former VA political appointees from the ability for non-competitive appointment of former employees.
6. [Shea-Porter \(D-NH\)](#) – Would require the staffing database established by the bill to include both mental health professional as well as mission critical and difficult to fill positions.
7. [Brownley \(D-CA\)](#) – Would clarify that “medical facility” referenced in Sec. 10 includes each medical center, domiciliary facility, outpatient clinic, community-based outpatient clinic, and vet center.
8. [Welch \(D-VT\)](#) – Would add specific analysis focused on rural areas for the succession planning and hiring and recruitment studies required by the bill.
9. [Gottheimer \(D-NJ\)](#) – Would add individuals who received Post-9/11 GI Bill benefits and graduates under the age of 30 to the individuals eligible for excepted service appointments.
10. [Herrera-Beutler \(R-WA\)](#) – Would require that exit surveys be administered in a location that allows for privacy and is not directly visible to another employee, as well as that the surveys not require the input of personally identifying information. Also, the amendment would require exit survey data to be aggregated at the Veterans Integrated Service Network level to facilitate additional analysis.
11. [Hanabusa \(D-HI\) #26](#) – Would require the report on exit surveys include the number of employees who voluntarily separated from the VA and the number and percentage of whom took the survey.
12. [Meng \(D-NY\) #3](#) – Would direct the secretary to establish a program to encourage individuals who served in the Armed Forces in a healthcare occupation to seek employment with the VHA after leaving the Armed Forces.
13. [Bost \(R-IL\)](#) – Would require the secretary to develop and implement a plan to hire highly qualified directors for each VA medical center that does not have a permanent director, with priority being given to those centers that have been without a permanent director the longest.
14. [O’Rourke \(D-TX\)](#) – Would allow the VA to make conditional job offers to individuals who are within two years of completing their residency.

### **COMMITTEE ACTION:**

H.R. 1367 was introduced on March 6, 2017 and was referred to the House Committee on Veterans’ Affairs, which reported the measure by voice vote.

The committee report is available [here](#).

### **ADMINISTRATION POSITION:**

A Statement of Administration Policy is not yet available.

**CONSTITUTIONAL AUTHORITY:**

Congress has the power to enact this legislation pursuant to the following: “The U.S. Constitution including Article 1, Section 8 of the United States Constitution.” No specific enumerating clause was cited.

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