

HR 5620

VA Accountability First and Appeals Modernization Act of 2016

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Armed Forces and National Security

Introduced: Jul 5, 2016

Current Status: Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.

Latest Action: Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs. (Sep 15, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/house-bill/5620>

Sponsor

Name: Rep. Miller, Jeff [R-FL-1]

Party: Republican • **State:** FL • **Chamber:** House

Cosponsors (34 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Huelskamp, Tim [R-KS-1]	R · KS		Jul 6, 2016
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Jul 8, 2016
Del. Radewagen, Aumua Amata Coleman [R-AS-At Large]	R · AS		Jul 13, 2016
Rep. Abraham, Ralph Lee [R-LA-5]	R · LA		Jul 13, 2016
Rep. Lance, Leonard [R-NJ-7]	R · NJ		Jul 13, 2016
Rep. Sessions, Pete [R-TX-32]	R · TX		Jul 13, 2016
Rep. Coffman, Mike [R-CO-6]	R · CO		Jul 14, 2016
Rep. Gohmert, Louie [R-TX-1]	R · TX		Jul 14, 2016
Rep. Johnson, Bill [R-OH-6]	R · OH		Jul 14, 2016
Rep. Lamborn, Doug [R-CO-5]	R · CO		Jul 14, 2016
Rep. Roe, David P. [R-TN-1]	R · TN		Jul 14, 2016
Rep. Smith, Adrian [R-NE-3]	R · NE		Jul 14, 2016
Rep. Bilirakis, Gus M. [R-FL-12]	R · FL		Sep 6, 2016
Rep. Flores, Bill [R-TX-17]	R · TX		Sep 6, 2016
Rep. Pittenger, Robert [R-NC-9]	R · NC		Sep 6, 2016
Rep. Tipton, Scott R. [R-CO-3]	R · CO		Sep 6, 2016
Rep. Walberg, Tim [R-MI-7]	R · MI		Sep 6, 2016
Rep. Chaffetz, Jason [R-UT-3]	R · UT		Sep 7, 2016
Rep. Collins, Chris [R-NY-27]	R · NY		Sep 7, 2016
Rep. Roby, Martha [R-AL-2]	R · AL		Sep 7, 2016
Rep. Young, David [R-IA-3]	R · IA		Sep 7, 2016
Rep. Benishek, Dan [R-MI-1]	R · MI		Sep 8, 2016
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Sep 8, 2016
Rep. Gosar, Paul A. [R-AZ-4]	R · AZ		Sep 8, 2016
Rep. Hill, J. French [R-AR-2]	R · AR		Sep 8, 2016
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		Sep 8, 2016
Rep. LoBiondo, Frank A. [R-NJ-2]	R · NJ		Sep 8, 2016
Rep. Walorski, Jackie [R-IN-2]	R · IN		Sep 8, 2016
Rep. Kline, John [R-MN-2]	R · MN		Sep 9, 2016
Rep. Babin, Brian [R-TX-36]	R · TX		Sep 12, 2016
Rep. Herrera Beutler, Jaime [R-WA-3]	R · WA		Sep 12, 2016
Rep. Knight, Stephen [R-CA-25]	R · CA		Sep 12, 2016
Rep. Wagner, Ann [R-MO-2]	R · MO		Sep 12, 2016
Rep. Buchanan, Vern [R-FL-16]	R · FL		Sep 13, 2016

Committee Activity

Committee	Chamber	Activity	Date
Oversight and Government Reform Committee	House	Referred To	Jul 5, 2016
Veterans' Affairs Committee	House	Referred to	Jul 14, 2016
Veterans' Affairs Committee	Senate	Referred To	Sep 15, 2016

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
114 HRES 859	Procedurally related	Sep 13, 2016: Motion to reconsider laid on the table Agreed to without objection.
114 S 3170	Related bill	Jul 12, 2016: Read twice and referred to the Committee on Veterans' Affairs.
114 HR 4138	Related bill	May 18, 2016: Ordered to be Reported by the Yeas and Nays: 18 - 4.
114 HR 5083	Related bill	May 13, 2016: Referred to the Subcommittee on Disability Assistance and Memorial Affairs.
114 HR 280	Related bill	Mar 3, 2015: Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.

VA Accountability First and Appeals Modernization Act of 2016

This bill authorizes the Department of Veterans Affairs (VA) to remove or demote a VA employee based on performance or misconduct and provides that specified federal employee performance appraisal provisions shall not apply to such removals or demotions. The VA may remove such individual from the civil service or demote the individual through a reduction in grade or annual pay rate.

A demoted individual shall not be placed on administrative leave or any other category of paid leave during the appeals period and can receive pay only if he or she reports for duty.

An expedited appeals process is established under which: (1) an employee shall have the right to an appeal before the Merit Systems Protection Board (MSPB) within seven days of removal or demotion, (2) the MSPB shall issue a decision within 60 days of the appeal or the removal or demotion becomes final, (3) an MSPB decision and any final removal or demotion may be appealed to the U.S. Court of Appeals, and (4) the MSPB may not stay any removal or demotion.

The VA may not remove or demote an employee: (1) without the approval of the Special Counsel if the individual seeks corrective action from the Office of Special Counsel based on an alleged prohibited personnel practice, and (2) until a final decision in the case of a whistleblower complaint.

The VA shall reduce the federal annuity of an individual removed from the VA Senior Executive Service (SES) who is convicted of a felony that influenced his or her performance while employed in such position.

The VA may reduce the federal annuity of an individual who was convicted of such a felony and was subject to removal or transfer from the SES but who left the VA before final action was taken.

The VA may recoup an award, a bonus, or relocation expenses paid to a VA employee under specified circumstances.

The VA may suspend, reprimand or admonish an SES employee for misconduct or performance that does not merit removal. The VA must notify an individual 10 days before taking such proposed action. Appeals may be made to the Senior Executive Disciplinary Appeals Board (as provided for by this bill) and may not be appealed to the MSPB.

The bill establishes an additional whistleblower complaint process, which shall include suspension and removal actions against supervisory employees who commit prohibited personnel actions against a whistleblower.

The bill amends the disability benefits appeals process.

The bill amends the Veterans Access, Choice, and Accountability Act of 2014 to prohibit payment of an award or bonus to any SES employee during each of FY2017-FY2021.

The bill requires that a veteran enrolled in the VA health care program who requests a medical examination or treatment at an emergency department of a VA medical facility be provided with a medical screening examination to determine whether an emergency medical condition exists and, if so, be provided stabilizing medical treatment or a transfer to another VA or non-VA medical facility.

If a non-stabilized emergency medical condition exists, the VA hospital may not transfer the veteran unless: (1) the veteran, after being made aware of the risks, makes a written transfer request; or (2) a physician (or a qualified medical

person if a physician is not present) certifies that the medical benefits of a transfer outweigh the risks.

The VA may not take adverse action against a VA employee because the employee refuses to authorize the transfer of an enrolled veteran with a non-stabilized emergency medical condition or because the employee reports a violation of a requirement of this bill.

The bill establishes the positions of Directors of Veterans Integrated Service Networks.

The VA shall require a VA employee (including a temporary full-time, part-time, or without-compensation employee) who is authorized to prescribe any controlled substance to complete at least one accredited continuing education course on pain management every two years. Such requirement: (1) shall apply to an employee who is employed by the VA for at least 180 days during any 24-month period; and (2) shall not apply to an employee licensed or certified by a state licensure or specialty board that requires the completion of pain management or substance use disorder management continuing education.

During each calendar quarter, the VA shall review each covered whistle blower complaint filed with the Office of the Special Counsel during the previous quarter.

The VA shall identify: (1) the number of members of the Armed Forces who are physicians working part-time in VA facilities, and (2) the process by which such physicians are hired.

The VA may disclose to non-VA entities that provide hospital care or medical treatment to veterans records of the identity, diagnosis, prognosis, or treatment of any patient in connection with a program relating to drug abuse, alcoholism or alcohol abuse, infection with the human immunodeficiency virus, or sickle cell anemia.

The Veterans Benefits Act of 2003 is amended to extend through 2017 VA authority to provide for the performance of medical disability evaluations by contract physicians.

Any person who is entitled to retired pay for non-regular (reserve) service or who, but for age, would be so entitled shall be honored as a veteran. A person shall not be entitled to any benefit by reason of such recognition.

The VA may: (1) furnish rehabilitative equipment to any veteran who is entitled to a prosthetic appliance, and (2) appoint licensed hearing aid specialists to the Veterans Health Administration.

Actions Timeline

- **Sep 15, 2016:** Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.
- **Sep 14, 2016:** Considered as unfinished business. (consideration: CR H5463-5470)
- **Sep 14, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Lujan, Ben Ray (NM) amendment No. 14.
- **Sep 14, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Takano amendment No. 15.
- **Sep 14, 2016:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Takano amendment No. 15, the Chair put the question on adoption of the amendment and by voice vote announced that the ayes had prevailed. Mr. Takano demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Sep 14, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the O'Rourke amendment No. 16.
- **Sep 14, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the O'Rourke amendment No. 17.
- **Sep 14, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the O'Rourke amendment No. 18.
- **Sep 14, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Takano amendment No. 19.
- **Sep 14, 2016:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Takano amendment No. 19, the Chair put the question on adoption of the amendment and by voice vote announced that the ayes had prevailed. Mr. Takano demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Sep 14, 2016:** Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Takano amendment No. 20.
- **Sep 14, 2016:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Takano amendment No. 20, the Chair put the question on adoption of the amendment and by voice vote announced that the ayes had prevailed. Mr. Takano demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Sep 14, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Duffy amendment No. 21.
- **Sep 14, 2016:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Duffy amendment No. 21, the Chair put the question on adoption of the amendment and by voice vote announced that the ayes had prevailed. Mr. Takano demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Sep 14, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Miller (FL) amendment No. 22.
- **Sep 14, 2016:** Mr. Miller (FL) moved that the Committee now rise.
- **Sep 14, 2016:** On motion that the Committee now rise Agreed to by voice vote.
- **Sep 14, 2016:** Committee of the Whole House on the state of the Union rises leaving H.R. 5620 as unfinished business.
- **Sep 14, 2016:** Considered as unfinished business. (consideration: CR H5479-5486)
- **Sep 14, 2016:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Sep 14, 2016:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 5620.
- **Sep 14, 2016:** The previous question was ordered pursuant to the rule. (consideration: CR H5484, H5485)
- **Sep 14, 2016:** The House adopted the amendment as agreed to by the Committee of the Whole House on the state of the Union.
- **Sep 14, 2016:** Ms. Titus moved to recommit with instructions to the Committee on Veterans' Affairs. (consideration: CR H5484-5485; text: CR H5484)
- **Sep 14, 2016:** DEBATE - The House proceeded with 10 minutes of debate on the Titus motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to add a new section at the end of the bill pertaining to the Definition of Spouse for Purposes of Veteran Benefits to Reflect New State Definitions of Spouse pending a reservation of a point of order. Subsequently, the reservation was removed.

Sep 14, 2016: The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H5485)

- **Sep 14, 2016:** On motion to recommit with instructions Failed by recorded vote: 185 - 239 (Roll no. 518).
- **Sep 14, 2016:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 310 - 116 (Roll no. 519).
- **Sep 14, 2016:** On passage Passed by the Yeas and Nays: 310 - 116 (Roll no. 519).
- **Sep 14, 2016:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 13, 2016:** Rule H. Res. 859 passed House.
- **Sep 13, 2016:** Considered under the provisions of rule H. Res. 859. (consideration: CR H5390-5417; text of measure as reported in House: CR H5398-5404)
- **Sep 13, 2016:** Rule provides for consideration of H.R. 5620 with 1 hour of general debate. Motion to recommit with or without instructions allowed. The rule makes in order only those amendments printed in the Rules Committee report.
- **Sep 13, 2016:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 859 and Rule XVIII.
- **Sep 13, 2016:** The Speaker designated the Honorable Randy Hultgren to act as Chairman of the Committee.
- **Sep 13, 2016:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 5620.
- **Sep 13, 2016:** DEBATE - Pursuant to the provisions of H.Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Miller (FL) amendment No. 1.
- **Sep 13, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Walz amendment No. 2.
- **Sep 13, 2016:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Walz amendment No. 2, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Takano demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Sep 13, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Takano amendment No. 3.
- **Sep 13, 2016:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Takano amendment No. 3, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Takano demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Sep 13, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Lujan Grisham (NM) amendment No. 4.
- **Sep 13, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Kuster amendment No. 5.
- **Sep 13, 2016:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Kuster amendment No. 5, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mrs. Kuster demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Sep 13, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Takano amendment No. 6.
- **Sep 13, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Newhouse amendment No. 7.
- **Sep 13, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Schweikert amendment No. 8.
- **Sep 13, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Takano amendment No. 10.
- **Sep 13, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Takano amendment No. 11.
- **Sep 13, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Keating amendment No. 12.
- **Sep 13, 2016:** DEBATE - Pursuant to the provisions of H. Res. 859, the Committee of the Whole proceeded with 10 minutes of debate on the Lowenthal amendment No. 13.
- **Sep 13, 2016:** Mr. Miller (FL) moved that the committee rise.
- **Sep 13, 2016:** On motion that the committee rise Agreed to by voice vote.

Sep 13, 2016: Committee of the Whole House on the state of the Union rises leaving H.R. 5620 as unfinished business.

- **Sep 12, 2016:** Rules Committee Resolution H. Res. 859 Reported to House. Rule provides for consideration of H.R. 5620 with 1 hour of general debate. Motion to recommit with or without instructions allowed. The rule makes in order only those amendments printed in the Rules Committee report.
- **Jul 14, 2016:** Referred to the Subcommittee on Economic Opportunity.
- **Jul 5, 2016:** Introduced in House
- **Jul 5, 2016:** Referred to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, 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.