

115TH CONGRESS  
1ST SESSION

# S. 1163

To require the Secretary of Veterans Affairs to ensure compliance of medical facilities of the Department of Veterans Affairs with requirements relating to the scheduling of appointments, to require appointment by the President and confirmation by the Senate of certain health care officials of the Department, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

MAY 17, 2017

Mr. CORNYN (for himself, Mr. NELSON, Mr. HATCH, Mr. CRUZ, and Mr. COTTON) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

---

## A BILL

To require the Secretary of Veterans Affairs to ensure compliance of medical facilities of the Department of Veterans Affairs with requirements relating to the scheduling of appointments, to require appointment by the President and confirmation by the Senate of certain health care officials of 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans’ Health Care  
3 Integrity Act of 2017”.

4 **SEC. 2. COMPLIANCE OF MEDICAL FACILITIES WITH RE-**  
5 **QUIREMENTS RELATING TO SCHEDULING OF**  
6 **APPOINTMENTS FOR HOSPITAL CARE AND**  
7 **MEDICAL SERVICES.**

8 (a) ANNUAL CERTIFICATION.—

9 (1) IN GENERAL.—The Secretary of Veterans  
10 Affairs shall ensure that the director of each medical  
11 facility of the Department of Veterans Affairs annu-  
12 ally certifies to the Secretary that—

13 (A) the medical facility is in full compli-  
14 ance with all regulations and other provisions of  
15 law relating to scheduling appointments for vet-  
16 erans to receive hospital care or medical serv-  
17 ices, including Veterans Health Administration  
18 Directive 1230 or any successor directive; and

19 (B) any official data on wait times for ap-  
20 pointments to receive hospital care or medical  
21 services submitted by the director to the Sec-  
22 retary during the year preceding the submittal  
23 of the certification is true and accurate to the  
24 best of the director’s knowledge.

25 (2) PROHIBITION ON WAIVER.—The Secretary  
26 may not waive any regulation or other provision of

1 law described in paragraph (1) for a medical facility  
2 of the Department if such regulation or other provi-  
3 sion of law otherwise applies to the medical facility.

4 (b) EXPLANATION OF NONCOMPLIANCE.—If a direc-  
5 tor of a medical facility of the Department does not make  
6 a certification under subsection (a)(1) for any year, the  
7 director shall submit to the Secretary a report con-  
8 taining—

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

11 (2) a description of the actions the director is  
12 taking to ensure full compliance with the regulations  
13 and other provisions of law described in such sub-  
14 section.

15 (c) PROHIBITION ON BONUSES BASED ON NON-  
16 COMPLIANCE.—

17 (1) IN GENERAL.—If a director of a medical fa-  
18 cility of the Department does not make a certifi-  
19 cation under subsection (a)(1) for any year, no cov-  
20 ered official described in paragraph (2) may receive  
21 an award or bonus under chapter 45 or 53 of title  
22 5, United States Code, or any other award or bonus  
23 authorized under such title or title 38, United States  
24 Code, during the year following the year in which  
25 the certification was not made.

1           (2) COVERED OFFICIAL DESCRIBED.—A cov-  
2           ered official described in this paragraph is each offi-  
3           cial who serves in the following positions at a med-  
4           ical facility of the Department during a year, or por-  
5           tion thereof, for which the director does not make a  
6           certification under subsection (a)(1):

7                   (A) The director.

8                   (B) The chief of staff.

9                   (C) The associate director.

10                  (D) The associate director for patient care.

11                  (E) The deputy chief of staff.

12           (d) ANNUAL REPORT.—Not less frequently than an-  
13           nually, the Secretary shall submit to the Committee on  
14           Veterans' Affairs of the Senate and the Committee on Vet-  
15           erans' Affairs of the House of Representatives a report  
16           containing, with respect to the year covered by the re-  
17           port—

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

21                   (2) a list of each medical facility of the Depart-  
22                   ment for which such a certification was not made,  
23                   including a copy of each report submitted to the  
24                   Secretary under subsection (b).

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

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

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

17 **SEC. 4. REQUIREMENT FOR APPOINTMENT AND CONFIRMA-**  
18 **TION OF CERTAIN OFFICIALS OF DEPART-**  
19 **MENT OF VETERANS AFFAIRS.**

20 (a) PRINCIPAL DEPUTY UNDER SECRETARY FOR  
21 HEALTH.—Subsection (c) of section 7306 of title 38,  
22 United States Code, is amended to read as follows:

23 “(c)(1) Except as provided in paragraph (2), appoint-  
24 ments under subsection (a) shall be made by the Sec-  
25 retary.

1       “(2) Appointments under subsection (a)(1) shall be  
2 made by the President, by and with the advice and consent  
3 of the Senate.

4       “(3) In the case of appointments under paragraphs  
5 (1), (2), (3), (4), and (8) of subsection (a), such appoint-  
6 ments shall be made upon the recommendation of the  
7 Under Secretary for Health.”.

8       (b) OTHER DEPUTY UNDER SECRETARY POSI-  
9 TIONS.—

10           (1) IN GENERAL.—Notwithstanding any other  
11 provision of law, the Deputy Under Secretary for  
12 Health for Operations and Management of the De-  
13 partment of Veterans Affairs, the Deputy Under  
14 Secretary for Health for Policy and Services of the  
15 Department, the Principal Deputy Under Secretary  
16 for Benefits of the Department, the Deputy Under  
17 Secretary for Disability Assistance of the Depart-  
18 ment, and the Deputy Under Secretary for Field  
19 Operations of the Department shall be appointed by  
20 the President, by and with the advice and consent  
21 of the Senate.

22           (2) RULE OF CONSTRUCTION.—Nothing in this  
23 subsection shall be construed to authorize the estab-  
24 lishment of any new position within the Department  
25 of Veterans Affairs.

1           (c) APPLICATION.—Subsection (b) and the amend-  
2 ment made by subsection (a) shall apply to appointments  
3 made on and after the date of the enactment of this Act.

○