

FLOOR SCHEDULE FOR THURSDAY, MARCH 16, 2017

| HOUSE MEETS AT: | FIRST VOTE PREDICTED: | LAST VOTE PREDICTED: |
|--|-------------------------|-------------------------|
| 10:00 a.m.: Morning Hour 12:00 p.m.: Legislative Business Fifteen "One Minutes" | 1:30 – 2:30 p.m. | 5:30 – 6:30 p.m. |

H.Res. 198 – Rule providing for consideration of H.R. 1181 – Veterans 2nd Amendment Protection Act (Rep. Roe – Veterans’ Affairs), H.R. 1259 – VA Accountability First Act of 2017 (Rep. Roe – Veterans’ Affairs), and 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 – Veterans’ Affairs) (One hour of debate). The Rules Committee has recommended one Rule which would provide for consideration of three bills.

For H.R. 1181, the Rules Committee has recommended a closed Rule that provides for one hour of general debate equally divided between the Chair and Ranking Member of the Committee on Veterans’ Affairs. The Rule allows one motion to recommit and waives all points of order against the legislation.

For H.R. 1259, the Rules Committee has recommended a structured Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Veterans’ Affairs. The Rule provides for consideration of 9 amendments, each debatable for 10 minutes, equally controlled by the proponent and opponent of the amendment. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

For H.R. 1367, the Rules Committee has recommended a structured Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Veterans’ Affairs. The Rule provides for consideration of 14 amendments, each debatable for 10 minutes, equally controlled by the proponent and opponent of the amendment. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation. **Members are urged to VOTE NO.**

H.R. 1181 – Veterans 2nd Amendment Protection Act (Rep. Roe – Veterans’ Affairs) (One hour of debate). The bill changes current law regarding the reporting by the Veterans Administration (VA) of veterans in severe mental distress to the National Instant Criminal Background Check System (NICS). H.R. 1181 would require that the VA obtain a court determination for any veteran thought to be a danger to themselves or others before the veteran’s name is added to NICS list.

Under current law, veterans who are determined to be “mentally incompetent” to handle their monetary benefits are included in NICS, which prevents them from purchasing a firearm. A provision of [H.R. 6](#) – 21st Century Cures Act -- helps to ensure that veterans receive due process when it comes to making this determination. Under this provision, veterans can present evidence from a mental health professional of their choosing and be represented by counsel in those hearings, while also being given the right to present new evidence regarding their mental capacity at any time during this process.

While H.R. 1181 requires that the VA obtain a court determination of a veteran’s danger to himself or herself or others before reporting him or her to NICS, no process or court system for this currently exists, and the legislation does not create or require the creation of such a system. H.R. 1181 also applies retroactively, so enacting this legislation would remove more than 170,000 veterans who are currently included on the NICS list.

The Rule provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Veterans’ Affairs.

Bill Text for H.R. 1181:
[PDF Version](#)

Background for H.R. 1181:
[House Report \(HTML Version\)](#)
[House Report \(PDF Version\)](#)

H.R. 1259 – VA Accountability First Act of 2017 (Rep. Roe – Veterans’ Affairs) (One hour of debate). Despite the bill’s title, **H.R. 1259** is just another partisan attack on the federal workforce that undermines important worker’s protections at the Department of Veterans’ Affairs (VA). H.R. 1259 broadens the VA Secretary’s power to fire employees while it simultaneously eliminates employees’ ability to use collectively bargained grievance procedures to appeal any adverse actions. Further, the bill empowers the VA to claw back retirement, bonus, and relocation benefits from employees.

Under current law, if the VA removes, demotes, or suspends an employee for longer than 14 days due to an individual’s performance or conduct, that employee is entitled to receive a written notice at least 30 days in advance, and is given 7 days in which to respond. H.R. 1259 would reduce this notice period to just 10 business days. The VA Secretary must issue a final decision within 5 business days if the employee responds or 15 business days if the employee doesn’t respond.

While employees could appeal the Secretary’s decision within 7 business days to the Merit Systems Protection Board (MSPB), H.R. 1259 would weaken their ability to do so. The bill directs the MSPB to refer the case to an Administrative Law Judge (ALJ) who then must rule on the appeal within 45 days. Under H.R. 1259, the judge would be required to uphold the Secretary’s decision if it was supported by “substantial evidence,” as opposed to the current and more rigorous standard “preponderance of the evidence.” Further, the MSPB or the ALJ wouldn’t have the authority to mitigate or stay the Secretary’s decision, and during the interim between an appeal and the final ruling, employees could not receive any pay or benefits.

H.R. 1259 also authorizes the Secretary to reduce federal retirement benefits, disability insurance benefits, or survivor’s or dependent’s benefits if an employee is removed for poor performance or misconduct, and the employee was convicted of a crime the Secretary determines had an impact on the employee’s performance. The bill also authorizes the Secretary to claw back any bonuses that were paid to an employee who engaged in misconduct or poor performance prior to receiving the bonus if the Secretary determines that the employee engaged in misconduct or poor performance prior to receipt of the bonus.

Although H.R. 1259 purports to strengthen accountability at the VA, the bill in fact shreds standard employment and due process protections that form the backbone of a nonpartisan and professional civil service system. Rather than improve performance and accountability at the VA at a time when tens of thousands of former service men and women are depending on it for high quality and affordable services, H.R. 1259 would actually interfere with the ability of doctors, nurses, pharmacists, and counselors – a large portion of whom are veterans themselves – to care for patients in their care, and would harm the quality of care at the VA. The American Federation of Government Employees and the AFL-CIO are opposed to the bill. **Members are urged to VOTE NO.**

The Rule provides for one hour of general debate equally divided and makes in order 9 Amendments, debatable for 10 minutes, equally divided between the offeror and an opponent. The amendments are:

Roe Manager’s Amendment. Inserts "to or" after the word "paid" on page 20, line 15.

Walz Amendment. Grants the Secretary of the VA improved authorities to hold VA senior executives and employees accountable, protects employees' constitutionally guaranteed due process rights, and protects employees' collective bargaining rights under federal law.

Hanabusa Amendment. Allows the Secretary of the VA to reduce a demoted individual's pay grade by a minimum of a step, depending on the severity of the misconduct.

Kuster Amendment #4. Extends provisions protecting an employee who files a whistleblower complaint or retaliation against an employee who files a whistle blower complaint contained in 38 USC 733(c) to Section 3 of the underlying bill dealing with whistleblowers.

Duffy Amendment. Directs the Secretary of the VA to, at a minimum, suspend an individual who has been charged with the sexual assault of a patient at a VA medical facility.

Taylor Amendment. Requires the VA to provide a semi-annual report to the House and Senate Committees on Veterans’ Affairs outlining all instances of Senior Executives who are detailed to a new position within the agency. The report will contain details on the purpose of the reassignment as well as the costs associated with the reassignment.

Tenney Amendment. Requires that bonuses awarded to senior-level executives within the VA to be reported to Congress on an annual basis.

Kuster Amendment #8. Requires VA supervisors to develop performance plans for employees, to include steps taken to address poor performance. It would also improve training for supervisors.

Takano Amendment. Provides for the suspension and removal of VA employees for performance or misconduct that is a threat to public health and safety in place of the proposed removal process.

Bill Text for H.R. 1259:

[PDF Version](#)

Background for H.R. 1259:

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

Begin Consideration of [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 – Veterans’ Affairs) (One hour of debate). The bipartisan bill will help the Department of Veterans Affairs (VA) recruit and maintain highly-qualified employees. The legislation requires the VA to create a recruiting database to identify positions that are critical to the mission of the Veterans Administration and to recommend vetted applicants for unfilled positions for which they are qualified.

H.R. 1367 also helps to maintain the current workforce at the VA by creating a promotion track for technical experts. The legislation also establishes avenues for career training and advancement within the agency through an executive fellowship program that will allow senior GS level employees to work in the private sector for a year, and private sector employees to work at the Veterans Health or Benefits Administration for a year. This fellowship program will help increase the level of innovation and collaboration between the federal government and the private sector, which ultimately will benefit America’s veterans. Additionally, the bill extends the veterans hiring preference to national guardsmen and reservists who have served over 180 cumulative days. Current law requires them to serve 180 consecutive days.

This bill creates a more streamlined process for hiring and retaining the sort of highly-qualified employees that will help to ensure our nation’s veterans get the care and benefits they deserve.

****Members are advised that the House is only expected to complete consideration of general debate today. Amendment debate on H.R. 1367 will occur tomorrow.**

Bill Text for H.R. 1367:

[PDF Version](#)

Background for H.R. 1367:

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

TOMORROW’S OUTLOOK

The GOP Leadership has announced the following schedule for Friday, March 17: The House will meet at 9:00 a.m. for legislative business. The House is expected to complete consideration of 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 – Veterans’ Affairs).

The Daily Quote

“House GOP leaders scrambled Wednesday to muster support for their plan to replace Obamacare, even as Speaker Paul Ryan conceded for the first time that the bill would need further changes to placate conservatives threatening to sink the package... Meanwhile, members of the hard-right House Freedom Caucus declared that they believed they had enough commitments from their own allies to kill any attempt by Republican leaders to ram through the current bill... Republican leaders are feeling the pressure, after the long-awaited repeal and replace measure faced skepticism — and outright resistance from some conservatives — when it was first unveiled two weeks ago.”

- Politico, 3/16/2017