

103^D CONGRESS
2^D SESSION

H. R. 3808

To amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs has the necessary authority and flexibility to provide staffing levels for the Veterans Health Administration of the Department of Veterans Affairs as necessary to meet the responsibility of the United States to provide health care services to eligible veterans and to permit implementation of national health care reform by the Department.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 1994

Mr. MONTGOMERY introduced the following bill; which was referred to the
Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs has the necessary authority and flexibility to provide staffing levels for the Veterans Health Administration of the Department of Veterans Affairs as necessary to meet the responsibility of the United States to provide health care services to eligible veterans and to permit implementation of national health care reform by the Department.

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. FINDINGS.**

4 The Congress makes the following findings:

1 (1) Under proposals for national health care re-
2 form, the Department of Veterans Affairs would be
3 required to enroll veterans and to provide health
4 care on a competitive basis with other, private health
5 care providers.

6 (2) In order to be able to implement changes
7 contemplated by proposals for national health care
8 reform, the Secretary of Veterans Affairs must have
9 flexibility to restructure and reform the Veterans
10 Health Administration as necessary without further,
11 artificial constraints on either full-time equivalent
12 employee (FTEE) positions levels or on the ability
13 of the Department to contract for needed health re-
14 lated services, when appropriate.

15 (3) The Office of Management and Budget, as
16 part of an announced plan to require a reduction
17 over five years of 252,000 FTEE positions in the
18 executive branch, proposes to require substantial an-
19 nual reductions of FTEE positions for five years in
20 personnel of the Veterans Health Administration, a
21 reduction in personnel which would severely impede
22 the ability of the Department of Veterans Affairs to
23 implement national health care reform.

1 **SEC. 2. EMPLOYMENT LEVEL IN VETERANS HEALTH AD-**
2 **MINISTRATION.**

3 (a) IN GENERAL.—Chapter 7 of title 38, United
4 States Code, is amended by adding at the end the follow-
5 ing new section:

6 **“§ 713. Full-time equivalent employees: limitation on**
7 **reduction**

8 “(a) During the five-year period beginning on Octo-
9 ber 1, 1994, no reduction may be made in the number
10 of full-time equivalent employees in the Veterans Health
11 Administration other than as specifically required by law
12 or by the availability of funds. During that period, the per-
13 sonnel of the Veterans Health Administration shall be
14 managed on the basis of the needs of eligible veterans and
15 the availability of funds.

16 “(b) No law may be construed as suspending or modi-
17 fying this section unless such law specifically refers to or
18 amends this section.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by adding
21 at the end the following new item:

“713. Full-time equivalent employees: limitation on reduction.”.

1 **SEC. 3. ENHANCED AUTHORITY TO CONTRACT FOR NEC-**
2 **CESSARY SERVICES.**

3 Section 8110(c) of title 38, United States Code, is
4 amended by striking out paragraph (7) and inserting in
5 lieu thereof the following:

6 “(7) Paragraphs (1) through (6) shall not be in effect
7 during fiscal years 1995 through 1999.

8 “(8) During the period covered by paragraph (7),
9 whenever an activity at a Department health-care facility
10 is converted from performance by Federal employees to
11 performance by employees of a contractor of the Govern-
12 ment, the Secretary shall—

13 “(A) require in the contract for the perform-
14 ance of such activity that the contractor, in hiring
15 employees for the performance of the contract, give
16 priority to former employees of the Department who
17 have been displaced by the award of the contract;
18 and

19 “(B) provide to such former employees of the
20 Department all possible assistance in obtaining other
21 Federal employment or entrance into job training
22 and retraining programs.

23 “(9) The Secretary shall include in the Secretary’s
24 annual report to Congress under section 529 of this title,
25 for each fiscal year covered by paragraph (7), a report
26 on the use during the year covered by the report of con-

1 tracting-out authority made available by reason of para-
2 graph (7). The Secretary shall include in each such report
3 a description of each use of such authority, together with
4 the rationale for the use of such authority and the effect
5 of the use of such authority on patient care and on em-
6 ployees of the Department.”.

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