

115TH CONGRESS  
1ST SESSION

# S. 1477

To prohibit the use of official time for labor organizing activities by employees of the Department of Veterans Affairs unless all veterans seeking hospital care or medical services from the Department are able to schedule their appointments within the wait-time goals of the Veterans Health Administration, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 29, 2017

Mr. FLAKE introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To prohibit the use of official time for labor organizing activities by employees of the Department of Veterans Affairs unless all veterans seeking hospital care or medical services from the Department are able to schedule their appointments within the wait-time goals of the Veterans Health Administration, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Serve Veterans First  
5 Act of 2017”.

1 **SEC. 2. TEMPORARY PROHIBITION ON USE OF OFFICIAL**  
2 **TIME BY EMPLOYEES OF DEPARTMENT OF**  
3 **VETERANS AFFAIRS FOR LABOR ORGANIZING**  
4 **ACTIVITIES.**

5 (a) TEMPORARY PROHIBITION.—Notwithstanding  
6 section 7131 of title 5, United States Code, no employee  
7 of the Department of Veterans Affairs may use official  
8 time for any purpose relating to a labor organization—

9 (1) before any determination has been made  
10 under subsection (b); or

11 (2) if the most recent determination made  
12 under subsection (b) was that a veteran attempted  
13 to schedule an appointment for the receipt of hos-  
14 pital care or a medical service under chapter 17 of  
15 title 38, United States Code, but was unable to  
16 schedule the appointment within the wait-time goals  
17 of the Veterans Health Administration for the fur-  
18 nishing of such care or service.

19 (b) DETERMINATIONS.—

20 (1) ANNUAL DETERMINATIONS.—At the end of  
21 each calendar year, the Inspector General of the De-  
22 partment shall determine whether any veteran at-  
23 tempted, during such year, to schedule an appoint-  
24 ment for the receipt of hospital care or a medical  
25 service under chapter 17 of title 38, United States  
26 Code, but was unable to schedule the appointment

1 within the wait-time goals of the Veterans Health  
2 Administration for the furnishing of such care or  
3 service.

4 (2) INVESTIGATIONS AND SUBSEQUENT DETER-  
5 MINATIONS.—The Inspector General of the Depart-  
6 ment—

7 (A) shall investigate each report the In-  
8 spector General receives of the case of an at-  
9 tempt by a veteran to schedule an appointment  
10 for the receipt of hospital care or a medical  
11 service under chapter 17 of title 38, United  
12 States Code, in which the veteran was unable to  
13 schedule the appointment within the wait-time  
14 goals of the Veterans Health Administration for  
15 the furnishing of such care or service; and

16 (B) may, pursuant to an investigation car-  
17 ried out under subparagraph (A), determine  
18 that a veteran attempted to schedule an ap-  
19 pointment for the receipt of hospital care or a  
20 medical service under chapter 17 of title 38,  
21 United States Code, but was unable to schedule  
22 the appointment within the wait-time goals of  
23 the Veterans Health Administration for the fur-  
24 nishing of such care or service.

25 (c) DEFINITIONS.—In this section:

1           (1) OFFICIAL TIME.—The term “official time”  
2 means any period of time—

3           (A) which may be granted to an employee  
4 under chapter 71 of title 5, United States Code,  
5 including a collective bargaining agreement en-  
6 tered into under such chapter, or chapter 74 of  
7 title 38, United States Code, to perform rep-  
8 resentational or consultative functions; and

9           (B) during which the employee would oth-  
10 erwise be in a duty status.

11           (2) WAIT-TIME GOALS OF THE VETERANS  
12 HEALTH ADMINISTRATION.—The term “wait-time  
13 goals of the Veterans Health Administration” means  
14 not more than 30 days from the date on which a  
15 veteran requests an appointment for hospital care or  
16 medical services from the Department of Veterans  
17 Affairs.

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