

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO RULES COMMITTEE PRINT 115-18  
OFFERED BY M. \_\_\_\_\_**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans, Employees,  
3 and Taxpayers Protection Act of 2017” or the “VET Pro-  
4 tection Act of 2017”.

**5 SEC. 2. LABOR MANAGEMENT IN DEPARTMENT OF VET-  
6 ERANS AFFAIRS.**

7 (a) IN GENERAL.—Chapter 7 of title 38, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing new subchapter:

**10 “SUBCHAPTER III—LABOR MANAGEMENT**

**11 “§ 741. Records on use of official time**

12 “(a) TRACKING OF OFFICIAL TIME.—The Secretary,  
13 in consultation with the Office of Personnel Management  
14 and the Office of Management and Budget, shall track  
15 the use of official time by employees of the Department  
16 of Veterans Affairs in a manner that accounts for such  
17 time accurately and to a specific degree without the use  
18 of estimates or ranges of time.

1           “(b) ANNUAL REPORT.—(1) Not later than Decem-  
2 ber 31 of each year, the Secretary shall submit to the Of-  
3 fice of Personnel Management and the Committees on  
4 Veterans’ Affairs of the House of Representatives and the  
5 Senate a report on the use of official time by employees  
6 of the Department during the most recently ended fiscal  
7 year.

8           “(2) Each report under paragraph (1) shall include,  
9 with respect to the fiscal year covered by the report, the  
10 following information:

11           “(A) The total amount of official time, in  
12 hours, as recorded by the agency’s timekeeping sys-  
13 tem, granted to employees, including the percent in-  
14 crease or decrease in the use of official time granted  
15 to employees, and the number of employees per bar-  
16 gaining unit in comparison to the amount of hours  
17 of official time granted to employees.

18           “(B) The total amount of official time expended  
19 per employee, the average amount of official time ex-  
20 pended per bargaining unit employee, and the  
21 amount of official time expended per employee for  
22 term negotiations, mid-term negotiations, general  
23 labor-management relations, dispute resolution,  
24 health and safety training and implementation, whis-  
25 tleblower protection, reporting of fraud and abuse

1 resulting in Inspector General investigations and re-  
2 ports, implementation of new management direc-  
3 tives, and gathering of information and evidence to  
4 support claims of discrimination based gender, race,  
5 age, disability and veteran status.

6 “(C) The specific types of activities or purposes  
7 for which official time was granted, and the impact  
8 which the granting of such official time for such ac-  
9 tivities or purposes had on the operations of the De-  
10 partment.

11 “(D) The total number of bargaining unit em-  
12 ployees, by position, to whom official time was  
13 granted, and, of that total, the number who were not  
14 engaged in any activities or purposes except activi-  
15 ties or purposes involving the use of official time.

16 “(E) The number of non-union employees per  
17 bargaining unit represented or assisted by employees  
18 to whom official time was granted.

19 “(F) The total amount of actual compensation  
20 (including fringe benefits), job title, and amount of  
21 official time afforded to any employee.

22 “(G) A description of any room or space des-  
23 ignated at the Department where official time activi-  
24 ties will be conducted, including the square footage  
25 of any such room or space.

1           “(3) All information included in the report under this  
2 subsection shall—

3           “(A) be shown for the entire Department of  
4 Veterans Affairs and each major component agency  
5 thereof; and

6           “(B) be accompanied by the corresponding in-  
7 formation for the previous year, together with appro-  
8 priate comparisons and analyses.

9           “(c) DEFINITION OF OFFICIAL TIME.—For purposes  
10 of this section, the term ‘official time’ means any period  
11 of time—

12           “(1) which may be granted to an employee  
13 under chapter 71 of title 5 (including a collective  
14 bargaining agreement entered into under such chap-  
15 ter) or chapter 74 of this title to perform represen-  
16 tational or consultative functions; and

17           “(2) during which the employee would otherwise  
18 be in a duty status.”.

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:

“SUBCHAPTER III—LABOR MANAGEMENT

“741. Records on use of official time.”.

1 **SEC. 3. REQUIRED PROBATIONARY PERIOD FOR NEW EM-**  
2 **PLOYEES OF DEPARTMENT OF VETERANS AF-**  
3 **FAIRS.**

4 (a) PROBATIONARY PERIOD.—

5 (1) IN GENERAL.—Chapter 7 of title 38, United  
6 States Code, is further amended by inserting after  
7 section 717 the following new section:

8 **“§ 719. Probationary period for employees**

9 “(a) IN GENERAL.—Notwithstanding sections 3321  
10 and 3393(d) of title 5, the appointment of a covered em-  
11 ployee shall become final only after such employee has  
12 served a probationary period of one year.

13 “(b) COVERED EMPLOYEE.—In this section, the term  
14 ‘covered employee’—

15 “(1) means any individual—

16 “(A) appointed to a permanent position  
17 within the competitive service at the Depart-  
18 ment; or

19 “(B) appointed as a career appointee (as  
20 that term is defined in section 3132(a)(4) of  
21 title 5) within the Senior Executive Service at  
22 the Department; and

23 “(2) does not include any individual with a pro-  
24 bationary period prescribed by section 7403 of this  
25 title.

1 “(c) PERMANENT HIRES.—Not later than 90 days  
2 before the expiration of a covered employee’s probationary  
3 period under subsection (a), the supervisor of the em-  
4 ployee shall determine whether the appointment becomes  
5 final based on regulations prescribed for such purpose by  
6 the Secretary.”.

7 (2) CLERICAL AND CONFORMING AMEND-  
8 MENTS.—

9 (A) CLERICAL.—The table of sections at  
10 the beginning of such chapter, as amended by  
11 section 2, is further amended by inserting after  
12 the item relating to section 717 the following  
13 new item:

“719. Probationary period for employees.”.

14 (B) CONFORMING.—Title 5, United States  
15 Code, is amended—

16 (i) in section 3321(c)—

17 (I) by striking “Service, or” and  
18 inserting “Service,”; and

19 (II) by inserting at the end be-  
20 fore the period the following: “, or  
21 any individual covered by section 719  
22 of title 38”;

23 (ii) in section 3393(d), by inserting at  
24 the end before the period the following: “or  
25 section 719 of title 38”;

1 (iii) in sections 7501(1) and  
2 7511(a)(1)(A)(ii), by inserting “or section  
3 719 of title 38” after “title 10” in each in-  
4 stance it appears; and

5 (iv) in section 7541(1)(A)—

6 (I) by striking “title or” and in-  
7 serting “title,”; and

8 (II) by inserting at the end be-  
9 fore the semi-colon the following: “, or  
10 section 719 of title 38”.

11 (b) APPLICATION.—Section 719 of title 38, United  
12 States Code, as added by subsection (a)(1), shall apply  
13 to any covered employee (as that term is defined in sub-  
14 section (b) of such section 719, as so added) appointed  
15 after the date of the enactment of this Act.

