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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER of Florida).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 13, 2016.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2016, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

THE STATISTICS ARE DEVASTATING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, last month the Nation watched as our friends in Louisiana were inundated by record rainfall and unprecedented flooding. More than 7 trillion gallons of water fell in Louisiana and Mississippi over 8 days. Thirteen lives have been lost. More than 7,000 people were forced into 37 shelters across Louisiana. There has been an estimated $110 million in agricultural losses, and 40,000 homes have been damaged.

Just a few weeks before the devastating floods in the South, in Ellicott City, Maryland, not too far away from here, nearly 6 inches of rain fell in less than 2 hours, resulting in a torrential flood, the likes of which NOAA has told us happens just once every 1,000 years. Officials say that 90 businesses and 107 homes were damaged and that infrastructure repairs are estimated to cost at least $22 million.

These statistics are devastating, and, if we fail to better prepare ourselves for the severe impacts of manmade climate change, we will only see more disasters like this.

First responders and emergency professionals deserve our utmost praise and admiration, as do the kind citizens on the streets who help their neighbors escape the rushing waters, and the people all over the country who contribute what they can to help put broken cities back together. But we must stop putting our heroes in harm's way.

The science is clear, it is conclusive, and it is settled: these natural disasters aren't all natural. It is imperative that we work to limit our impact on the climate, but we must also prepare for the climate impacts that are now inevitable. Prioritizing disaster preparedness by being thoughtful about where and how we construct homes, businesses, and other vital infrastructure will save lives, will save homes, and will save money.

Devastating weather events are occurring with greater frequency than ever before. Today, the Northeast, Midwest, and upper Great Plains regions see 30 percent more heavy rainfall than they did in the first half of the 20th century, and manmade climate change is already impacting the lives of every single American.

Even if you are not one of the millions who have suffered from extreme heat, widespread drought, or catastrophic flooding, your tax dollars have gone to help those who have. Acting before disasters strike is the only way to reduce the strain on local, State, and Federal emergency response systems, especially as they gear up to handle the predictable and unpredictable changes that climate change will bring.

I am proud to say that my hometown of Chicago is among the 20 percent of global cities that have an adaptation plan to deal with the increased heat, urban flooding, and severe storms that climate change will bring. But it is vital that cities and towns across America also prepare. Responding to climate change demands urgent and decisive action.

This is not a coastal issue, and it is not a partisan issue. Rising seas and severe storms don't care if you are a Democrat or a Republican. All Americans are in this together, and all Americans—including Members of Congress—must be prepared to deal with climate impacts such as severe flooding. Together we must act to hasten the transition to a low-carbon future that protects our communities from the impacts of climate change. The costs of not doing so, in lives, in trillions of dollars, and in changes to our way of life, are too great.

IRAN HAS NOT CHANGED ITS STRIPES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, since July 14, 2015, the Iranian regime has conducted four ballistic missile tests with not-so-subtle warnings to our ally and our best friend, the democratic Jewish state of Israel, which its goal was to wipe Israel off the map.

Also, since that date, we have learned that there have been side agreements between Iran and the International Atomic Energy Agency, the

IAEA, that were not submitted to Congress for our review. The IAEA released a report on the possible military dimensions, known as PMD, of Iran's nuclear program that proved that Iran lied about its nuclear program in the past and continued to stonewall investigations into outstanding questions that remain; yet, the Iranian nuclear deal, the JCPOA, was allowed to move forward in spite of that.

Also, the Obama administration purchased 32 metric tons of heavy water from Iran. What makes this so egregious, Mr. Speaker, is that this purchase was arranged in order to prevent Iran from violating the very terms of the Iranian nuclear deal, the JCPOA. As if that were not bad enough, with the administration reselling the purchased heavy water to domestic and commercial buyers, well, that makes the U.S. a proliferator of Iran nuclear materials, all while legitimizing Iran as a nuclear supplier. Outrageous.

Also, Iran has renewed its interest and increased its presence in Latin America and throughout the Western Hemisphere. Iran's Rouhani will be visiting Cuba and Venezuela in the upcoming week.

We learned that the administration allowed the Iran, North Korea, and Syria Nonproliferation Act sanctions against Iran to sit on a desk during the negotiations, despite a legal mandate to provide these reports to Congress every 6 months. That was the law. It was ignored.

Also, Russia announced that it has resumed the sale of S–300s to Iran. And just last month, Iran announced that it deployed these S–300s, Russian surface-to-air missiles, around its Fordow nuclear site to safeguard it from attacks.

The administration announced a $1.7 billion settlement on a 35-year dispute with Iran—conveniently the day after sanctions were lifted on its central bank. What a coincidence. And we learned that Iran plans to use this ransom money for its military budget and for the Islamic Revolutionary Guard Corps, the IRGC, the Quds Force, meaning the U.S. taxpayers not only are on the hook for a ransom payment to Iran, but we are also subsidizing its nefarious activities.

Where has this transparency been? When it comes to Iran and the nuclear deal, the JCPOA, there is an overwhelming sense that we are only beginning to scratch the surface of just how bad this deal really is. We need only to look back at what has happened with North Korea to understand the depth and the breadth of this failed Iranian policy because, as I keep repeating, Mr. Speaker, Iran has been following the North Korea playbook by the page, by the letter.

And what have we just witnessed a few days ago? Well, North Korea just conducted its second nuclear detonation since the JCPOA—the Iran nuclear deal—was made, and it is its fifth detonation in the last 10 years.

Mr. Speaker, the JCPOA has been a foreign policy disaster already, but the real ramifications are yet to come. Congress must take action. First, we must hold the administration accountable, and we must get the full truth behind the details of this JCPOA—the Iran nuclear deal—and the administration's Iran policy.

The supposed most transparent administration in history has been anything but, going out of its way to stonewall and misdirect Congress and our oversight responsibilities on this flawed and dangerous nuclear deal.

Second, Mr. Speaker, we must hold Iran accountable, and that means extending sanctions, expanding sanctions, renewing sanctions, and preventing Iran from being able to continue down this dangerous path.

These are the actions that we must take in Congress, Mr. Speaker, and I stand ready to work with my colleagues in a bipartisan manner to find the right way forward because Iran has not changed its stripes.

ZIKA IS A REAL THREAT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIÉRREZ) for 5 minutes.

Mr. GUTIÉRREZ. Mr. Speaker, it is almost as if the majority would prefer to go into the final stretch of the election season with fresh reminders of how dysfunctional things have become.

No action on commonsense gun control measures, no action on immigration or climate change, no action on the Zika virus that is taking a huge toll in the United States and Puerto Rico and is poised to take an even bigger one.

Congress is still in denial that Zika is a real threat and that the next generation of children could be exposed to the disease with dangerous and debilitating birth defects. It is hard for me to articulate this out loud, but, in just a few weeks, the first group of children born with brain development and physical problems associated with the disease will be born in Puerto Rico.

We are looking at more than 15,000 reported cases of Zika in Puerto Rico and more than 2,000 pregnant women. At the current pace, Zika will infect a quarter of the island in the next year. This is the first mosquito-borne disease that successfully infects children in the womb through the placenta. It can be sexually transmitted. Humans give Zika to mosquitoes and then go on to infect other humans.

And Congress has the same response it has to almost everything—nothing. In this case, nothing flavored with a little partisan posturing over abortion in an election year. The issue for some people seems to be that we can fund research, prevention, and treatment as long as one of the most important proven and effective healthcare delivery mechanisms for women is excluded because Planned Parenthood is on the Republican hit list.

No matter that funding Planned Parenthood in Puerto Rico or anywhere else would be the prudent use of Federal funds if our goal is to prevent the spread of disease and prevent—that is prevent, not terminate—unwanted pregnancies during this crisis. Politics and elections always seem to trump good, sensible policies.

So nothing yet from Congress, despite the pleas from the Obama administration, the CDC, and the American people. But Congress is not the only place in denial about Zika.

Having spent time talking to people on the island of Puerto Rico, the people are also complacent about this disease and the impact it will have. Many suspect that it is all hype from Washington and yet another crisis to give the United States more control over the island of Puerto Rico.

Given the island's history, the point of view is not unreasonable that Congress just appointed an unelected control board, or junta, to take control of the island's government and finances.

For decades, the United States used Puerto Rico, and especially the island of Vieques, for target practice for our military. And for more than a decade, the United States has been denying the health and environmental impact of that bombing, including cancer and other diseases that people on the island know are real because their relatives are dying. And back in my mother's day, in the 1950s and the 1960s, family planning that came from the United States was forced sterilization.

So I understand why people are skeptical when so far it has been hard to demonstrate the consequences of the Zika virus and how it could make life any worse than it already is. But, again, in just a few weeks, when we see children born with mental and physical impairments, it will become clear that Zika is real.

Puerto Rico must rise to the challenge presented by Zika and bridge the deep ocean of distrust between the Puerto Rican people and the United States. That is why I spent a lot of my time over the past month meeting with public health experts, doctors, and scientists. Every one of them was Puerto Rican, not people sent from the U.S. Puerto Rico needs an integrated, comprehensive mosquito vector control center that Puerto Ricans are coming together to discuss, so it can be created quickly.

□ 1015

This is the mosquito tracking eradication that is deployed when a disease is detected so that resources can be concentrated on a neighborhood or city if an infectious disease like Zika is present. You saw it work in Miami.

Puerto Rico does not have access to contraception that you would expect in the 21st century, but Puerto Rican doctors, gynecologists, scientists, and experts are also strategizing about how to make modern, effective, reversible family planning more widely available so that women can delay pregnancy.

But while Puerto Ricans can drive the process of addressing Zika in Puerto Rico—and this will lead to much

greater acceptance of those strategies by the Puerto Rican people and greater success in the long run—that does not get Congress off the hook.

Puerto Rico, like the United States, needs this Congress to fund the President's request for funding and also for the Federal Government to do its job. In Puerto Rico, this includes the Environmental Protection Agency addressing toxic landfills that dot the island, which are breeding grounds for mosquitos but have been overlooked by the EPA.

A generation of children in Puerto Rico and all over the United State are counting on the U.S. Congress to protect them from the Zika virus, and I hope this Congress puts politics aside and rises to the occasion. They are American citizens on the island of Puerto Rico. They will be coming to the United States when they need health care.

Mr. Speaker, I include in the RECORD the op-ed piece I wrote for The Hill newspaper on Zika and Puerto Rico.

[Sept. 12, 2016]

U.S. AND PUERTO RICO MUST COOPERATE ON ZIKA

(By Rep. Luis V. Gutiérrez)

The rapid spread of the Zika virus in Puerto Rico is a very, very big problem for the U.S. and Puerto Rico but the colonial relationship between the U.S. and Puerto Rico is making it a lot worse. The reason this matter is so important to the United States—beyond the obvious concern for the well-being of our fellow citizens in Puerto Rico, of course—is that thousands of U.S. tourists and visitors go back and forth to Puerto Rico and thousands of Puerto Ricans leave the Island permanently for life in the U.S., driven out by the financial crisis gripping the Island. Zika is the first mosquito-borne virus known to cause birth-defects and to be sexually transmitted, so an outbreak of the magnitude that has already hit Puerto Rico is a public health crisis for the United States as well.

If you talk to average Puerto Ricans on the Island as I often do, they are not experiencing Zika as a big issue. They do not think the threat is real. Most people who are infected feel no symptoms and the negative consequences only affects pregnant women—or so most people think. Puerto Ricans, having lived with mosquito transmitted diseases for decades, have become immune to dire warnings from so-called experts and some are resigned to the false notion that nothing can be done.

Even with 13,791 cases reported, an estimated 2,000 pregnant women already infected and a disease trajectory that indicates 20–25% of the population will be affected this year, Puerto Rico has resisted guidance or help coming from Washington.

Why? The colonial attitude of the U.S. towards Puerto Rico and the understandable response to such treatment effects the psyche of the population. A half-century of Navy target practice bombing on the inhabited Island of Vieques (among other places in and around Puerto Rico) was followed by decades of U.S. government denials that cancers and environmental destruction in Vieques were connected to the U.S. government's actions. History is informative: Previous public health interventions from Washington included forced sterilization of women of my mother's generation. This treatment as second-class (at best) citizens of the United States deeply impacts the Puerto Rican psyche, with long term effects. And this is helping Zika spread.

Now, a control board imposed by the U.S. government through Congress' PROMESA legislation is preparing to take over decision-making that will determine the future of all Puerto Ricans living on the Island. Distrust of Washington is at an all-time high in Puerto Rico, based on my observations.

And unfortunately, this is making it harder for health officials to do what needs to be done to control the Zika outbreak. Unlike in Miami, Florida, there was a swift and sharp backlash from Puerto Ricans when the idea of spraying Naled—an insecticide—was raised. The CDC (Centers for Disease Control and Prevention) sent a shipment to the Island in anticipation of the Island requesting help, but the backlash in local media ranged from basic environmental concerns all the way up to elaborate conspiracy theories that a fictitious colonial genocide of the Puerto Rican people was at hand.

In reality, CDC Director Dr. Tom Frieden has personally assured me that Naled is a pesticide used widely for a long time—including in Miami and other U.S. cities—with very few consequences for people. The consequences for the environment and other insects—including bees—can be minimized through sensible application of Naled. But, in this era of deep distrust, none of the facts are reassuring to Puerto Ricans. The Naled shipment, if it is still in Puerto Rico, remains unused. Due to years of random unchecked chemical pesticide use by private providers, mosquitos in Puerto Rico are highly resistant to common chemical strategies. Naled was one of the only effective options currently available. Mosquitos breed quickly, bite quietly and thrive in urban and rural areas—sometimes hitting four or five people in a single meal—so the spread of the disease in Puerto Rico is happening astonishingly quickly.

Part of the problem can be addressed if the CDC and Puerto Rico work together to build on the success they have had in addressing the Dengue Fever virus, another mosquito-borne disease that—like Chikungunya—has hit Puerto Rico hard. The CDC scientists have provided research and resources to combat Dengue for over 35 years.

An important first step would be for Puerto Rico to create an integrated, comprehensive mosquito control center, but given the financial crisis in Puerto Rico, this will only happen if the federal government funds it and the Puerto Rican people accept it. A group of international and local technical experts in vector control management met in San Juan in May of 2016 and came to this same conclusion. The potential to control and eliminate the Zika-carrying mosquito from Puerto Rico is possible with a well-funded mosquito control center that implements an integrated comprehensive vector management approach using safe, effective and innovative strategies. Miami and every major U.S. jurisdiction has a vector control unit and Miami's sprang into action to address the outbreak there, including spraying with Naled. Such a unit provides the infrastructure and expertise to address an outbreak like Zika, manage its spread, and is constantly working to provide protection from mosquitoes that cause diseases like Dengue and Chilcungunya, which are endemic in Puerto Rico.

The Environmental Protection Agency (EPA) could help by addressing the crisis of more than two dozen toxic municipal landfills that seem to be flying under EPA's radar. These are breeding grounds for mosquitos and the Island's government needs help to address these hazards, as I and others have noted to EPA Administrator Gina McCarthy.

This must be combined with an investment to address the immediate needs of those infected and to help women avoid or delay pregnancy. Access to modern, effective, reversible birth control has been late in coming to the public health system in Puerto Rico, but access is growing. Women's reproductive health is a critical need, but for Republicans in Congress, contraception and women's health care are lightning rods that tend to induce divisiveness or paralysis or both.

The most important thing Congress can do is stop squabbling and fund the President's request for a national strategy to fight Zika, which would include funding to help Puerto Rico address the 17 disease at ground zero. Doing nothing is what this Congress is good at, but there comes a time when Republican leaders need to put their country before their party—even in an election year—and let the resources and experts of the federal government fight this disease.

Let us prevent as best we can an outbreak that will be tremendously costly in lives and hardship in the decades to come. Congress must act now. The CDC must be allowed to act now. The next generation, the future of Puerto Rico, is likely to be born with reduced brain capacity, birth defects and a range of developmental disabilities. Let's face it, in the arena of evolution—the mosquitos are winning. Puerto Rico—and Puerto Ricans—must understand how serious this really is and address it aggressively with all tools at their disposal, including help from the federal government. We need to act in concert for the good of Puerto Rico and the United States.

MENTAL HEALTH CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. Mr. Speaker, over the weekend, The Denver Post Editorial Board published a piece supporting the Helping Families in Mental Health Crisis Act, H.R. 2646. Their endorsement joins 72 other papers, including The Wall Street Journal, The Washington Post, and the National Review.

I thank my colleagues from Colorado, Representative MIKE COFFMAN and SCOTT TIPTON, who were both cosponsors of H.R. 2646. Their State, unfortunately, is all too familiar with the realities of mental illness and the tragedies that come along when there is no treatment for those who suffer from it.

In Colorado, every 8 hours, one person dies by suicide. Their suicide rate is one of the highest in the country. Sadly, Colorado has also witnessed more mentally troubled mass killers than most, including James Holmes, who, in 2012, took 12 innocent lives at a movie theater in Aurora; and Eric Harris and Dylan Klebold, who murdered 12 of their fellow students, one teacher, and went on to take their own lives at Columbine High School in 1999.

Mental health and the tragedies that occur before treatment are not restricted to one State, however. The Denver Post recognizes this when they report that ''more than 11 million adults suffer from a mental illness, and almost half of them do not seek treatment or cannot find it.''

Mr. Speaker, since the facts make it clear that major mental health reform is needed for our entire Nation, reform must be a priority for all elected Members of Congress on both sides of the Capitol, for we represent the entire Nation.

The House heard the American people when we passed H.R. 2646 in July with overwhelming, near unanimous bipartisan support. If the Senate won't listen to the House, or me, maybe they should listen to The Denver Post Editorial Board. They write:

''One of the best attempts to improve America's mental health crisis in decades will stall if the U.S. Senate does not get its act together before it goes on another month-long break. Freshly back from vacation, senators should pass . . . Helping Families in Mental Health Crisis Act . . . the bill sailed through the House with overwhelming bipartisan support . . . its prospects in the Senate are murky . . . Congress is tantalizingly close to accomplishing something that will address the nation's deplorable treatment of the mentally ill. It should not fall victim to the hyperpartisan gun debate.''

Mr. Speaker, if the Senate won't listen to The Denver Post, The Wall Street Journal, or The Washington Post, will they listen to the voice of the American people?

We have the daily addition of 118 lives lost to suicide. Since September 1, it has been 1,400. Since the House passed the bill, over 8,000 people have died of suicide. There is also the daily addition of 959 families who join thousands mourning individuals with mental illness who have lost their life in one form or another. Since we passed the bill, the total lives lost is 65,212.

More lives will be lost if we do not fix this broken mental health system that is so desperately in need of repair. It is time that the Senate listen to the voices of the millions who are crying out for help. And for today's new total of 959 more lives, tomorrow is too late.

Millions of Americans are pleading with the Senate: do not go home at the end of this month without passing a bill that the House can also pass and get signed into law. The Helping Families in Mental Health Crisis Act is just that law. We need the Senate to vote this week, not another day. Where there is help, there is hope.

NATIONAL LANDS AND MONUMENTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. O'ROURKE) for 5 minutes.

Mr. O'ROURKE. Mr. Speaker, I rise today to discuss our national lands and monuments and explore both our accomplishments and some of our future opportunities.

As you know, the Antiquities Act was passed 110 years ago. Ten years later, in 1916, the National Park System was created. And since then, there have been 151 national monuments created, 84 of them by Republican Presidents—the majority of those by Republican Presidents—showing that this act and its impact is truly bipartisan and American in every sense.

I would also like to call your attention to the accomplishments of our current President, Barack Obama, whom historian Douglas Brinkley calls a Theodore Roosevelt for the 21st century, owing to his commitment to preserving our national heritage, protecting our public places, and ensuring that, whether it is of importance because of its value for wilderness, cultural, or historical impact, we are ensuring all Americans have a chance to enjoy and appreciate our heritage.

I also rise today, Mr. Speaker, to suggest a way that the President can continue this legacy and set the stage for the next 100 years.

Castner Range, pictured behind me, in El Paso, Texas, is 7,000 acres in the heart of the Chihuahuan Desert rising into Rocky Mountain peaks that start at the southern end of that national mountain chain and has rare plant and animal species that distinguish it as a place worthy of preservation.

Ending in 1966, Castner Range was used as a bombing range, but in the 50 years since then, it has been preserved in its natural state. This is an incredible opportunity to ensure that we pass on Castner Range and all that it means to us as a country to not just this generation, but the generations that follow.

Castner Range, beyond the rare plant and animal species, has 10,000 years of recorded human history. There are petroglyphs dating back to 8,000 years ago, literally showing the impressions that this land made on the first Americans who were neither U.S. citizens, Mexican citizens, or really had any citizenship at all. That is particularly poignant, given the fact that Castner Range is part of the world's largest binational community.

El Paso, with its sister city, Ciudad Juarez in southern New Mexico, join 3 million people of two countries, two cultures, two traditions, two languages and become one at this point. Furthermore, El Paso, Texas, is 85 percent Mexican American and happens to be one of the poorest communities in our country.

This is a chance for this President to open up public lands to ensure that we have access and participation by everyone in this country and to ensure that our national monument visitors reflect the communities and the growing, changing demographics in this country.

I also think that it is important to know that this community is unified in ensuring that we protect, preserve, and pass on Castner Range to future generations. Twenty-seven thousand El Pasoans have signed letters to the President. Despite its relative poverty, $1.5 million has been raised by individual donors to complement whatever Federal investment is necessary. The largest school district has made a commitment to ensure that every fourth grader has access to Castner Range, should it be preserved, that it is part of their curriculum, and that they travel to Castner Range to explore and appreciate its wonder.

Lastly, Mr. Speaker, here are some larger themes that the preservation of Castner Range could tie into. It is a cold war relic. It is also a former artillery site. Following the President's recent travel to Laos, which saw more armaments rain down on it than any other part of the world, we have a chance to develop the model of how to turn former conflict sites into places of public use, into examples of peace, and into standards for preservation. That could happen in the United States, where we can set the world standard, and it can happen here at Castner Range.

There are a few national monument ideas that I think make a lot of sense. There is the expansion of the Grand Canyon, Bears Ears, and Gold Butte. And then there is Castner Range. I think the President's attention to these areas and the ability to offer access to more Americans to ensure everyone has a chance to access our national parks and national monuments and to set the standard for preservation and the future of American cities is too good of an opportunity for this President to pass up.

AMERICA'S FINANCIAL OUTLOOK WORSENS WITH FY 2017 CR

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS of Alabama. Mr. Speaker, I have given numerous House floor speeches warning of a looming and debilitating American insolvency and bankruptcy.

In order to drive home the dangers, I have cited Greece, where young adult unemployment nears 50 percent, overall unemployment approximates the worst America suffered during the Great Depression, and public pensions have been slashed by almost 50 percent.

I have cited Venezuela, where inflation last year was 275 percent, is estimated at 720 percent this year, and deadly street and food riots are common.

I have cited Puerto Rico's default on $70 billion in debt, credit rating cut to ''junk bond status,'' abysmal labor participation rate of less than 40 percent, and closure of over 100 schools.

While House Republicans can boast that they helped cut the $1.3 trillion deficit that we inherited in 2011 to $439 billion in 2015, that boast now rings hollow. According to the nonpartisan Congressional Budget Office, the fiscal year 2016 deficit is ballooning by $151 billion, to $590 billion.

Absent correction, the CBO warns that in 2024, America will embark on an unending string of trillion-dollar-a-year deficits. Absent correction, the

CBO warns that America's debt service cost will increase within a decade by $464 billion per year, to roughly $712 billion per year—more than what America spends on national defense. Which begs the question: Where will the money for a $720 billion a year annual debt service payment come from?

Mr. Speaker, America's financially irresponsible conduct has caused both America's Comptroller General and the Congressional Budget Office to repeatedly warn in writing that America's financial path is ''unsustainable.'' I agree with the Comptroller General and CBO warnings and I am convinced that, absent major changes in the economic understanding and backbone of Washington's elected officials, a debilitating American insolvency and bankruptcy is a certainty within three decades, a probability within two decades, and a dangerous risk over the next 10 years.

All of this brings us to the continuing resolution spending bill that Congress will soon vote on. According to the CBO, this continuing resolution spending bill, plus so-called mandatory spending, increased Federal Government spending by $150 billion and blows fiscal year 2017 Federal Government spending through the $4 trillion mark—a new record high amount of spending.

This CR spending bill ignores economic reality and fails to prudently restrain Federal Government spending to reflect America's tax revenue. This CR spending bill reflects Washington and special interest group greed and shortsightedness and continues the worst generational theft in American history by again breaking into our kids' piggy banks and stealing money we don't have and will never pay back, callously letting our children suffer the consequences.

□ 1030

Mr. Speaker, economic principles don't care if you are a family, a business, or a country. If you borrow more money than you can pay back, you go bankrupt. Americans are rightfully angry at Washington elected officials who are all too willing to sacrifice America's future for today's special interest campaign contributions.

Mr. Speaker, I can't speak for anyone else, but as for me, MO BROOKS, from Alabama's Fifth Congressional District, I vote for financial responsibility and prosperity and against a debilitating American bankruptcy, insolvency, and resulting economic depression.

As such, and although this continuing resolution admittedly spends money on lots of good things, I will vote against it because it is financially irresponsible. I will not vote for a debilitating insolvency and bankruptcy of America that will damage so many Americans for so many years to come.

FUND THE ZIKA PUBLIC HEALTH CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. WILSON) for 5 minutes.

Ms. WILSON of Florida. Mr. Speaker, today, at 12:30 p.m., I will be convening an emergency press conference from the U.S. Capitol on Zika. This is a bipartisan press conference of Floridians, Democrats, and Republicans who are concerned about their State. Please join us.

We will send out a clarion call to our fellow Members of Congress to help Floridians by passing a clean Zika bill—no riders, no poison pills, just a clean Zika bill. Our Governor, Governor Scott, will visit Congress tomorrow, and I hope he will urge Congress to act.

Life is too precious, and we should not be playing political football with unborn children and whatever else science will reveal to us about Zika. There is so much yet to be discovered, but we do know this: we are gambling with the developing brain of an unborn fetus.

Florida's 24th Congressional District, which I proudly represent, is the epicenter of the Zika epidemic in America. The district's small boutique community was where they discovered the first local mosquito-borne transmission.

A travel advisory has been put in place to warn pregnant women against coming to this American neighborhood. This is the first time in a long time that an American city has received a travel advisory. It is hurting businesses. It has a huge economic impact that is devastating to this robust business district in Miami. Tourism is down, restaurants are on the verge of closing, and the crowded tourist attractions are literally abandoned.

This public health crisis has grown so serious that one of Florida's major newspapers, the Miami Herald, has created a daily tracker to monitor the virus' spread across our State. I spent most of our 7-week recess working to educate residents in my district about how to protect themselves against this terrible and rapidly spreading virus. Whip HOYER joined me on an occasion.

So Miami is the epicenter. It has evolved into an open laboratory where the CDC is working closely with local health officials and county officials. For weeks, a CDC response team has been on the ground in Miami working to control, contain, and defeat the virus and to educate the community on mosquito control.

The CDC is literally using Miami to teach the Nation how to cope with the Zika virus. They have said to me: We have to use every tool in the toolbox, and that requires adequate funding. They have said: We cannot lose this battle; it is too dangerous. Determining what works and what doesn't work requires adequate funding.

It is sexually transmitted, but how long does the virus live in semen? How long does the virus live in the blood? Should we stop blood donations in affected areas?

The Zika virus has been found in tears and saliva. Research shows that it causes blindness and brain disorders and could cause Alzheimer's in adults. So many questions. So many questions.

We cannot afford to delay much-needed scientific research, but that requires adequate funding. We need resources to help develop a vaccine, to develop medications to stymie the virus. We need resources to find out how long it takes for a pregnant woman to get results from her Zika test. They need to determine how long the Zika virus lives in the body.

The fever, the chills we can deal with, but we can't gamble with the developing brain of an unborn fetus. The bottom line is: the threat of Zika is grave to pregnant women.

There are so many unanswered questions, and it requires funding. We need a clean Zika bill—no poison pills, no riders, just a bill addressing the Zika virus.

Many people who live in Florida are living in fear because there is so much more to be learned about the virus. It is my State now, my beautiful State of Florida. There are 27 of us serving in the House. Many of us have taken votes to help you when your State needed help. I ask you today, my colleagues, to help my State, my district.

And please note, this epidemic has already begun to start in other States. We cannot pretend it does not exist. Please bring a clean bill to the floor.

The people of America are depending on each of us. The unborn children of America are depending on each of us. Let's put our children's future first. Mosquitoes carrying Zika must be dealt with now, and that requires the political will to do the right thing.

NOMINATIONS FOR U.S. SERVICE ACADEMIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. MOONEY) for 5 minutes.

Mr. MOONEY of West Virginia. Mr. Speaker, one of the most meaningful things a Member of Congress does is nominate some of the best and brightest students from our congressional district to serve our Nation's service academies.

U.S. service academy graduates receive a first-rate undergraduate education with options to pursue advanced degrees. They spend a minimum of 5 years serving their country on Active Duty as a military officer and are provided with an education and experience that will provide a world of career opportunities.

The full 4-year scholarship is valued at more than $350,000, which includes tuition, room and board, medical and dental care, and also a monthly salary. Students learn discipline, moral ethics, and teamwork in a structured environment that fosters leadership and character development.

Last year, I had the privilege of nominating 20 high school seniors for admission to one or more academies. Half of the young men and women that I nominated received admission to at least one service academy.

Calling each nominee in my district, as I am doing here, to tell them that they have been selected to these prestigious institutions was one of the most special moments of my freshman year in Congress. I hope to make many more phone calls this year. This is a picture of me calling Drew Polczynski last year to tell him he had been accepted to West Point.

If you are highly motivated, looking for a challenge in your life, and want to serve your country, I hope you will consider attending a U.S. Service Academy.

I will be hosing information sessions throughout my district this year. These sessions are a great opportunity for students to explore the possibility of attending one of several prominent academic institutions and meet with admissions representatives. I hope students and their family will attend these events throughout the Second Congressional District.

If you are interested in a congressional nomination, please contact my office in Charleston at (304) 925–5964, or my office in Martinsburg at (304) 264–8810, and ask for the individual who oversees academy applications.

HUMANITARIAN CRISIS IN SYRIA

Mr. MOONEY of West Virginia. Mr. Speaker, this past weekend I met with members of the Syrian community in Charleston, West Virginia, to discuss ways that the Federal Government can help the ongoing humanitarian crisis in Syria. This is us meeting.

In particular, we discussed H.R. 5732, the Caesar Syria Civilian Protection Act of 2016. The bill would hold Syrian human rights abusers accountable for their crimes. The bill would impose sanctions on individuals who do business with dictator al-Assad's brutal regime and would require the President to publish a list of people who are complicit in the grave human rights violations that have occurred and continue to unfold in Syria.

Despite promises and agreements to the contrary, chemical weapons are still being used regularly by the Assad regime in Syria. We cannot look the other way while innocent children are murdered.

I am a proud cosponsor of this critical bill, and I thank my colleagues, Congressman ELIOT ENGEL and Chairman ED ROYCE, for introducing it. I encourage the leadership here in the House to bring the bill to the floor for a vote immediately.

The innocent Syrian people have suffered enough. The current civil war has resulted in 4 million refugees and nearly 500,000 killed.

My mother fled Fidel Castro's Communist Cuba after being unjustly thrown in jail by Fidel Castro's tyrannical Communist regime. We must protect persecuted individuals who have no one to stand up for them.

ENSURING SAFETY, QUALITY, AND RELIABILITY FOR OUR VETERANS WITH PHYSICAL DISABILITIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. COSTELLO) for 5 minutes.

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 3471, the Veterans Mobility Safety Act, a bill I am proud to cosponsor. This legislation would set minimum standards for any individual or company installing or selling mobility products to veterans through a Department of Veterans Affairs equipment program.

These products are used by disabled veterans to increase their mobility and their overall quality of life, but the VA does not currently require vendors who make or repair the products to meet a certain level of certification. Standards in this legislation would help guarantee safety, quality, and reliability.

It is critical that our veterans who have given so much for our country have the best available equipment to accommodate any physical disability. I urge my colleagues to support this bill.

SUPPLYING STUDENTS WITH SKILLS BUSINESSES NEED

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 5587, the Strengthening Career and Technical Education for the 21st Century Act, a bill I am proud to cosponsor; and I wish to recognize my colleague from Pennsylvania, G.T. Thompson, for his work on that bill.

This bipartisan legislation would provide State and local educators with greater control and flexibility with respect to career and technical education programs; and it takes an important step in closing the skills gap faced by American employers and manufacturers.

In order to succeed in the modern workforce, students need to emerge with the skills that State and local businesses need. The Strengthening Career and Technical Education for the 21st Century Act does just that, encouraging greater student involvement in work-based learning and, in the classroom, emphasizing the development of employability skills and the importance of attaining credentials.

As co-chair of the 21st Century Skills Caucus, I have been working on legislation with similar goals, and I am very proud to see provisions I have advocated for included in this bill.

I urge my colleagues to support this bill.

HALTING TAX INCREASES

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 3590, the Halt Tax Increases on the Middle Class and Seniors Act. This legislation would put taxpayers' hard-earned dollars back into their own pockets. It would lower the required percentage of income that must be spent to qualify for a tax deduction for medical costs.

Americans should be able to deduct high-cost medical expenses, and this legislation would reduce the required percentage from 10 percent to 7.5 percent of adjusted gross income.

I urge my colleagues to support this bill to provide middle class families and seniors with deserved tax relief, as they have already had to spend a significant amount of their income on these expenses.

□ 1045

RICHLAND BOROUGH CELEBRATES 100 YEARS

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today to congratulate Richland Borough, Lebanon County, of my district, on 110 years of incorporation.

On September 17, 1906, Richland became its own municipality, breaking from Millcreek Township, gaining its name from the fertile soil in the area.

Richland is home to the inventor of the air pump used by Henry Ford on the Model T and will celebrate this and the rest of its impressive history this weekend.

I wish to also recognize the Lebanon Daily News for a great article on the history of Richland Borough. Gary Althaus of the Richland Heritage Society and many others have been organizing a series of events that will take place this upcoming Saturday.

A little bit more brief history: August 9, 1906, the citizens of Richland held a public meeting on the subject of the advantages of a borough. On August 12, the plan was put in circulation, and by 11 p.m., it had 50 signatures. Then on August 16, 1906, Mr. Holstein took the petition to the county courthouse and presented it before the court, and on September 17, the presiding judge granted the charter. On February 25, 1907, the first Richland Borough Council meeting was organized at the Union House, which then became the place of many meetings, including borough council meetings thereafter.

Congratulations to Richland Borough and all its residents. I am very proud to represent you in the United States Congress.

CONGRATULATING DR. BILL HOGARTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. JOLLY) for 5 minutes.

Mr. JOLLY. Mr. Speaker, I rise today to congratulate Dr. Bill Hogarth, a former director of our Nation's National Marine Fisheries Services. Dr. Hogarth recently retired as director of the Florida Institute of Oceanography based at the University of South Florida in St. Petersburg. Not only do I recognize Dr. Hogarth on his retirement, but also on two honors that he recently received.

First, the American Fisheries Society last month honored Dean Hogarth—as he is known to so many—with the Carl R. Sullivan Fishery Conservation Award, one of our Nation's premier awards in fisheries sciences. The award recognizes Dean Hogarth's long career and leadership in preserving some of the world's most threatened marine species. It recognizes his passionate advocacy for environmental protections and his role in leading Florida's scientific response to the Deepwater Horizon oil spill in 2010.

The second honor for Dean Hogarth in early September was bestowed upon him by the University of South Florida's Board of Trustees when it voted to name its newest research vessel in his namesake to recognize Dean Hogarth's passionate pursuit of funding for a new boat to replace the university system's more than 40-year-old research vessel.

For those of my colleagues who have had the opportunity to work with and meet Dean Hogarth over his long career, you know of his humble nature, his laugh, and, most notably, his deep southern drawl. You also know of his spirited passion for all issues related to fisheries and the oceans.

Dean Hogarth's first job was as a biologist and manager of ecological programs for Carolina Power & Light, and he later served as director of the North Carolina Division of Marine Fisheries.

His national and international stature grew in 1994, when he joined the National Marine Fisheries Service where he rose from a regional leader to be appointed by President George W. Bush to serve as the agency's director from 2001 to 2007. Recognizing his leadership on national and international fisheries issues at a most critical juncture for the commercial and recreational fishing industries, President Bush appointed Dean Hogarth to represent our Nation as U.S. Commissioner and Chairman of both the International Whaling Commission and the International Commission for Conservation of the Atlantic.

During his tenure as director of NMFS, Dr. Hogarth worked with this Congress to update Federal fisheries laws to rebuild U.S. fisheries and set the recreational and commercial fishing industries on a new and sustainable course. In 2007, Dr. Hogarth retired from Federal service and joined the University of South Florida as interim dean, and then dean of the College of Marine Science in St. Petersburg.

Recognizing his leadership skills, Dr. Hogarth was then appointed in January 2011 as director of the Florida Institute of Oceanography, a consortium of more than 30 scientific and educational institutions across Florida. The USF president then called upon Dean Hogarth's leadership skills once again and asked him to assume a dual role, adding to his responsibilities the job of regional chancellor of USF-St. Petersburg from August 2012 to June 2013.

USF and the Florida Institute of Oceanography made national and international headlines following the 2010 explosion of the Deepwater Horizon oil rig. Dr. Hogarth led a scientific response that focused on the immediate aftermath of the spill, including the path of the oil plume both above the water and in the Gulf's deepest reaches and currents. It focused also on the impact of the spill on fisheries and other wildlife and the response of the research community in the five-State region to address short- and long-term environmental concerns.

One of his final acts as director of the Institute of Oceanography before his official retirement on July 31 was to work with the Florida State legislature, our Governor, the university, and the city of St. Petersburg to secure funding to replace the 40-year-old Research Vessel Bellows. This ship, managed by the Institute of Oceanography, is a great resource to faculty and students alike, giving them invaluable assets to the Gulf of Mexico and other research waterways in pursuit of their studies. The new ship will now be named rightfully the RV William T. Hogarth and will continue to provide a path to sea for thousands of Florida students and educators.

Dean Hogarth will always be known to me as an educator. It is personal to me because he serves as a key advisory on fisheries issues that are so critical to our State and to our community. I will always call him Dean, as will so many others, and we look forward to his continued counsel in retirement.

Mr. Speaker, I hope that my colleagues will join me in thanking a most special person who has dedicated much of his career to one of the great interests of our Nation: our fisheries, our marine sciences, and our oceans. Dr. Hogarth is a national champion of our Nation's critical assets, our oceans. It is an honor for me to recognize him today, and I ask my colleagues to do the same. We wish him very well in retirement and we thank him for his service.

HURRICANE IKE ANNIVERSARY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. WEBER) for 5 minutes.

Mr. WEBER of Texas. Mr. Speaker, today marks 8 years since Hurricane Ike made landfall over Galveston, Texas. This Category 4 storm ripped through communities in the city of Galveston and Galveston County, making its way inland through the Houston region. The storm caused over 100 fatalities, washed away homes, flooded communities, and shut down much of the region's energy production. In total, this hurricane cost $37.5 billion nationwide, making it the third costliest hurricane in United States history. Even though Hurricane Ike caused extensive damage, we know it could have been much worse.

The effects of another major hurricane on the Houston region and our Nation would absolutely be devastating. Over 6 million people call this area home, and many of them work in critical economic sectors like health care and energy refining. The impact would be felt in every congressional district across the country. For example, according to reports published immediately after Hurricane Ike made landfall, gas prices spiked between 30 and 60 cents per gallon across many States due to the disruption in energy production in the Houston region.

We do not know, Mr. Speaker, when the next big storm will hit our shores, which is why it is of paramount importance for Congress, the Federal Government, and our State to prioritize funding for coastal protection along the Texas coast. Progress on a comprehensive Federal evaluation of our coastal vulnerabilities is long overdue. I am grateful, Mr. Speaker, that the Texas General Land Office and the Army Corps of Engineers are moving forward in partnership on the Coastal Texas Protection and Restoration Study. Once completed, this study will make the case for coastal infrastructure projects that would qualify for Federal dollars and would protect our vulnerable coastal communities, our energy infrastructure, maritime industries, and, most importantly, major population centers.

I am doing everything I can, Mr. Speaker, to make sure a Federal study of our coast is completed expeditiously. Along with Senator CORNYN, I have introduced the COAST Act, which is actually the Corps' Obligation to Assist in Safeguarding Texas Act. If enacted, this legislation would require the Army Corps to take into consideration existing studies and data already available to help expedite the Federal Government's work. This legislation would also immediately authorize any projects should they be justified.

Mr. Speaker, I will continue to work with all relevant Federal, State, and local leaders to expedite Federal work to protect the Texas Gulf Coast from dangerous storms. This is a critical Federal interest and should be a national priority.

Mr. Speaker, you know that is right.

COMBATING DRUG EPIDEMIC

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, earlier this summer, I was proud to vote in favor of a package of bills intended to crack down on the epidemic of heroin use and opioid abuse across our Nation. I was even happier to see that legislation pass the House and Senate with broad bipartisan support before being signed into law by the President.

The Comprehensive Addiction and Recovery Act will help make grant funding available to State and local governments, create a task force to review physician prescribing guidelines

and make sure babies born opioid-dependent receive quality care.

While this is a step in the right direction, I continue to be impressed by the efforts of community members in my district to help turn the tide against this epidemic.

Townhall meetings have been held across Pennsylvania's Fifth Congressional District in places such as Bradford, McKean County; and Ridgway, Elk County. Another meeting is planned for this evening in Centre County. These meetings, along with hearings held across the State by the Pennsylvania House Majority Policy Committee, are great steps in the battle against drugs and saving lives.

PROVIDING OPPORTUNITIES

Mr. THOMPSON of Pennsylvania. Mr. Speaker, later today on this House floor, we will be considering what I would very accurately describe as an opportunity bill.

We hear the media talk about how in the middle of this campaign election season that Congress really is not productive. I would argue to the contrary, and I point to this bill. It is a bill I am very proud of.

Mr. Speaker, we all know individuals in our communities, perhaps in our own families, who are in need of opportunity. We probably know young people who, as they go off this time of year to school, are not inspired. Maybe their heads are on their desk. They don't learn in the typical fashion that traditional education teaches of lecture and classrooms, but if you put them in an environment where they can use their hands and do applied academics—career and technical education training—they are inspired, they look forward to getting out of bed in the morning, and they excel.

We probably all know people—perhaps we are related to folks—who find themselves this morning stuck in unemployment. As we gathered around the breakfast table, they were gathered around the breakfast table just trying to figure out how to make ends meet since they have lost their job for whatever reasons, probably no fault of their own, and they need a strategy to be able to get back on their feet. They need a strategy to be able to provide for their families. A greater opportunity is what they are seeking.

We probably know folks as well—certainly people who we serve and people in our communities—who have been stuck in the web of poverty for generations, intergenerational poverty, with no exit ramp and with no exit strategy.

This opportunity bill today is one that I encourage all of my colleagues to support. The culture today has so much emphasis on the theory that people need a 4-year degree to be successful in this country. However, we have a huge gap of technical and vocational jobs that are good-paying jobs and family-sustaining jobs that aren't being filled. Job creators cannot find individuals who are qualified and trained to be able to fill those positions. I call that the skills gap. Today we can take a tremendous step in closing the skills gap.

I have introduced a bill that will be considered on the floor today, the Strengthening Career and Technical Education for the 21st Century Act, which, incidentally, is scheduled later today for a vote. This legislation reauthorizes and modernizes—more importantly, modernizes—the Carl D. Perkins Career and Technical Education Act to help more Americans enter the workforce with the skills necessary to compete and succeed in high-wage, high-demand careers.

Mr. Speaker, this is a good bill. It starts career awareness earlier recognizing that kids have access to technology and will begin to provide career and technical education awareness in the lower middle schools. It brings business and industry to the table so when we invest and do offer career and technical education training, it leads to a job at the end of the day, whether it is a result of a certificate earned, a credential that is provided, or training that is completed, and it serves individuals of all ages.

So I just ask and encourage my colleagues to join me in supporting the Strengthening Career and Technical Education for the 21st Century Act on this House floor later today.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Wayne Lomax, The Fountain of New Life, Miami Gardens, Florida, offered the following prayer:

God, we thank You for the men and women who serve as Members of the United States Congress.

Though we have many needs in our Nation—better schools, better jobs, safer streets, fairer laws, better health care, and peaceful relationships with our neighbors at home and our neighbors abroad—today, we pause to pray for each other.

It is easy to forget that back home our Congressmen and -women have daughters who dance, sons who sing, mothers with mild strokes, fathers who slip and fall, siblings who struggle with addiction, and neighbors in homeless shelters, while our spouses and significant others hold down the fort.

We acknowledge that alongside our hopes and dreams are our personal struggles and fears—even our shortcomings and our sins.

So, as Jesus taught us, forgive us our debts and give us our daily bread.

Bless us with good sense and humble hearts as we serve to Your honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Rhode Island (Mr. LANGEVIN) come forward and lead the House in the Pledge of Allegiance.

Mr. LANGEVIN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND WAYNE LOMAX

The SPEAKER. Without objection, the gentlewoman from Florida (Ms. WILSON) is recognized for 1 minute.

There was no objection.

Ms. WILSON of Florida. Mr. Speaker, today, I rise to welcome the very gracious and accomplished Pastor Wayne Lomax to the House floor as our guest chaplain.

Pastor Lomax is the founder and senior pastor of the mega church, The Fountain of New Life, located in Miami Gardens, Florida. He is also a proud member of the 5000 Role Models of Excellence Project, a mentoring program for boys of color.

Nearly 20 years ago, in his living room, with just 8 people, Pastor Lomax founded The Fountain of Pembroke Pines, now The Fountain of New Life. Today, it is one of the largest churches in Florida and is an indispensable community partner.

The church's humble beginnings and continuous growth are testaments to Pastor Lomax's unwavering leadership and strong faith. He is truly a man of all seasons—a true man of God who tackles issues, including hunger, poverty, and crime, in the Miami-Dade County community.

Pastor Lomax also served as pastor of the York Street Baptist Church in Louisville, Kentucky, and as assistant pastor of the Mount Olive Baptist Church in Fort Lauderdale, Florida. He graduated from The University of North Carolina at Chapel Hill and The Southern Baptist Theological Seminary.

He is the proud husband of his beautiful wife, Teresa. They have three beautiful children: Christopher, Marcus, and LeReine.

Mr. Speaker, I ask everyone to join me in thanking Pastor Lomax for leading today's opening prayer and to

thank him for his outstanding service to the south Florida community.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RIBBLE). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

CONGRATULATIONS TO MISS AMERICA SAVVY SHIELDS

(Mr. WOMACK asked and was given permission to address the House for 1 minute.)

Mr. WOMACK. Mr. Speaker, I rise today to recognize your new Miss America, our very own Miss Arkansas, Savvy Shields.

On Sunday night, Savvy became the third Miss Arkansas—and the second from the Third District of Arkansas—to win this prestigious title, receiving a preliminary talent award as well.

Savvy will spend her year of service traveling across the Nation as an advocate for not only her charitable platform of ''Eat Better, Live Better,'' but also the Children's Miracle Network. In this way, Savvy will continue her work as an advocate for healthy eating as a way to dramatically change health outcomes in our communities.

I speak on behalf of the Third District and the State of Arkansas in congratulating Savvy on representing her hometown of Fayetteville, the University of Arkansas, and the entire ''Natural State'' so well on the national stage. I would like to also congratulate Savvy's parents, Todd and Karen Shields, on the beginning of what will truly be a remarkable year.

Savvy will represent all of us with the grace, poise, and confidence that earned her this crown. Congratulations, Savvy, Miss America 2017.

PERKINS CONSIDERATION

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, in July, the Education and the Workforce Committee unanimously reported H.R. 5587, Strengthening CTE—or, its full name, Career and Technical Education—for the 21st Century Act. Later today, the full House will consider it here on the floor.

I am so proud to be an original cosponsor of this bipartisan bill that reauthorizes important career and technical education programs to reflect the demands of the modern economy. I particularly want to salute and recognize my colleague and partner in this effort, G.T. THOMPSON from Pennsylvania, and also KATHERINE CLARK from Massachusetts, for their efforts. This bill makes important investments in skills, training, and career exploration.

H.R. 5587 expands two of my longstanding priorities: the role of school counselors in helping students find a career path that best fits their skill and access to work-based learning to bridge the gap between the classroom and the workplace. Students will be able to tailor their classes to learn the skills that they know employers are looking for. It is time to close the skills gap and give students the tools to succeed.

I want to also commend the chairman and ranking member of the full committee and all those who had a hand in bringing the bill to the floor that we will be voting on later today.

THE OBAMA LEGACY: A HEROIN AND OPIOIDS CRISIS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, The Washington Examiner has released the newest part of a series: ''The Obama legacy—A raging problem with heroin and opioids.''

Last year, the President announced a new effort to address the new public health crisis. This week, The Washington Examiner revealed:

'' . . . the crisis had been building for five years at that point, and critics say Obama's reactions were too little and too late. Some say his government even contributed to the crisis by approving painkillers liable to abuse. . . .

''Prescription painkiller and heroin overdose deaths have risen to all-time highs. From 2009–2014, the rate of overdose deaths from heroin abuse increased by 240 percent. . . .

''When you add painkiller overdose deaths to the heroin numbers, the rate of overall deaths increased 25 percent from 2009. . . .

''In 2014, more than 14,000 people died of overdoses, the biggest total since the CDC began collecting data in 1999.''

This is a failing legacy of destruction of families.

I am grateful that Congress acted to address the opioid crisis, passing the bipartisan Comprehensive Addiction and Recovery Act, enabling local communities to develop local solutions.

In conclusion, God bless our troops, and may the President, by his actions, never forget September 11th in the global war on terrorism.

Congratulations, Miss South Carolina, Rachel Wyatt of Clemson, first runner-up for Miss America.

WE NEED ACTION

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, the water crisis in my hometown of Flint continues: a population of 100,000 people who, a year after this crisis, became well known, became public, and still can't drink their water.

In Flint—just so my colleagues understand—a year later, people are still drinking from bottled water because of callous actions by the State government that led to the poisoning of a population of 100,000 people.

Flint is a community in absolute crisis, facing a disaster, and you would expect there would have been immediate action, despite the fact that I have come to this podium time and time again. I have filed legislation. I have spoken to Members. I have spoken to leadership. And what do we get? A couple of hearings, and a lot of sympathy.

We need action. The people of Flint deserve a response to this crisis that is equal to the gravity of the crisis. We have a way to get it done. A bipartisan bill that is moving through the Senate includes help for Flint. We need to take up this legislation, just like we need to take up legislation to deal with Zika and opioids and everything else. It is beyond my comprehension that this crisis could continue and we have yet to take action in the House of Representatives to address it.

RECOGNIZING JOSEPH BROAM, GEORGIA NATIONAL GUARD

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today to recognize Savannah, Georgia's Specialist Joseph Broam of the Georgia National Guard and a student at Armstrong State University.

Specialist Broam was chosen to represent the entire Army National Guard at the U.S. Army Best Warrior Competition.

I am incredibly proud of Specialist Broam's accomplishment and could not be more enthusiastic for his final competition, starting September 26. To qualify for the championship competition, Specialist Broam completed and succeeded at the brigade, State, regional, and national levels. Each competition was extremely physically and mentally straining.

During the national competition, participants ran more than 4 miles over rough terrain, completed a demanding obstacle course, and navigated land during day and night.

I rise today to congratulate Specialist Joseph Broam for his accomplishment, and I wish him the best of luck on September 26.

COMMEMORATING THE LIFE OF STEWART LEVY

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, I rise to commemorate the life and legacy of Stewart Levy, a wonderful and warm humanitarian, a Buffalo civic leader, and my friend. Stewart Levy's love of family, friends, and community was always on display—clearly evident—and always inspiring.

Mr. Levy first came to Buffalo to work in a local recording industry. He

quickly established himself as a leader and fixture in that industry. He would host at his home, as overnight guests, the likes of Frankie Avalon, Sammy Davis, Jr., and Pat Boone.

Mr. Levy ran for mayor of Buffalo in 1973, as a Republican in a heavily Democratic Buffalo. Though unsuccessful, his campaign tagline, ''For the Love of Buffalo,'' reflected Stewart's pride and civic purpose. He inspired everyone he touched. He was charismatic and kind, interested and interesting, and insatiably curious. His mind and his enthusiasm never aged.

I remember thinking the last time I saw and visited with him that Stewart Levy was gifted with that rare quality—so rare—that made you look forward to the next opportunity you had to see and visit with him again.

To Stewart's wife, Faye, and sons, Jordy and Mitchell, thank you for sharing him with us. Stewart Levy will be missed, but there will always be light and inspiration to guide us from the love and friendship that he gave us.

AMERICA SUPPORTS HELPING FAMILIES IN MENTAL HEALTH CRISIS

(Mr. MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Pennsylvania. Mr. Speaker, during a time when our Nation seems so divided, polarized, and unable to come together on any issue, there is one thing on which most of America agrees, by policy, politics, and polling.

In April, a national mental health survey found that 86 percent of Americans support the Helping Families in Mental Health Crisis Act. When it comes to mental health, Democrats, Republicans, and Independents agreed that H.R. 2646 is the answer.

In July, the House followed America's call and came to pass the bill 422–2 to provide more hospital beds, more psychiatrists, psychologists, and reform our broken system. Now, the American people wait for the Senate to join us in passing this badly needed legislation.

Millions of Americans are saying: please do not leave Washington without passing the bill so that the House can concur and we can get it signed into law. Every day they don't, 959 new families mourn the loss of a loved one who suffered from mental illness. And every day, 118 families mourn a new death by suicide. Every day the Senate waits, we delay reform.

Pass H.R. 2646. Where there is help, there is hope.

□ 1215

A BETTER WAY TO IMPROVE HEALTH CARE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, as any hardworking American knows, health insurance costs and regulations impact all of us on a daily basis. Americans need patient-centered solutions to address our healthcare system's key problems, and House Republicans have a better way than the so-called Affordable Care Act to improve health care.

Our plan gives Americans more control and more choices. It makes sure they never have to worry about being turned away or having their coverage taken away, regardless of age, income, medical conditions, or circumstances. Our plan clears out the bureaucracy to accelerate the development of life-saving devices and therapies, and it protects Medicare for today's seniors and preserves the program for future generations.

This reform can't come soon enough. According to a report by the Kaiser Family Foundation, most North Carolinians are projected to have just one insurer's plan to choose from in the 2017 Federal individual health exchange.

I will not rest until ObamaCare is repealed and we have returned control of medical decisions to doctors and their patients.

THE CLANKING BAGS OF FILTHY LUCRE TO IRAN

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, during negotiations with the criminal Ayatollah, the U.S. paid Iran, the world's largest state sponsor of terror, a $400 million ransom to free hostages. Shockingly, the administration now has made two additional payments, totaling $1.3 billion.

Speculation is our government may have used underhanded and sneaky tactics, multiple hard currencies, and precious metals to hide the filthy lucre from Americans.

The government's payments of bags of clanking coins to the outlaw nation will not go to build roads and bridges and hospitals. Instead, it is going to Iran's corrupt military and helping radical terrorists continue to spread murder and aggression.

Illusionaries say that the Iranian nuclear bribe deal will help us live together in peace and harmony. Peace is not what the rogue nation wants. They want death to America.

Why did our government pay off the Ayatollah to preach hate and prepare for war? We don't need to pay Iran to hate us. They will do it for free.

And that is just the way it is.

CONGRESS NEEDS TO ADDRESS THE ZIKA PUBLIC HEALTH CRISIS

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, here we are debating various issues. Soon we will be going into debate on veterans bills, on tax cut bills. Yet this body has continually failed to act on addressing the Zika health crisis that has already impacted over 3,000 Americans in States like Texas and Florida, and it will only continue to get worse until we put the resources we need into our public health to prepare vaccinations, to deal with mosquito control.

This is the type of issue that doesn't solve itself. And it is amazing that, when people look to the United States Congress for leadership, rather than acting on funding Zika, months after the initial request by the President of the United States, we continue to discuss topics which are not going to become law, bills that would be vetoed if they pass the Senate, won't pass the Senate, and, obviously, don't address the immediate public health crisis that is affecting thousands of Americans and will affect even more until this body decides to address it.

CONGRATULATING THE STATE COLLEGE SPIKES ON THEIR NEW YORK-PENN LEAGUE CHAMPIONSHIP

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to congratulate the players, coaches, and staff of the State College Spikes on their 2–1 win over Hudson Valley last night to capture the New York-Penn League Championship.

The New York-Penn League is a Class A Short Season baseball league which includes teams from across Pennsylvania, New York, Maryland, Massachusetts, Ohio, Vermont, West Virginia, and Connecticut.

The championship represents the end of a great season for State College. The team set a regular season club record for wins at 50. Tommy Edman, a draft pick of the St. Louis Cardinals in June, also set the Spikes' single season runs scored record with 61.

Earlier this year, I had the chance to meet with the members of the Spikes' management in my office here in Washington, D.C., and I was happy to have the opportunity to learn more about the organization and their players.

I know how much the team contributes to the community and to the economy of State College. I wish them the best of success next year.

CONDEMNING NICARAGUA'S REPRESSIVE ACTIONS AND HUMAN RIGHTS VIOLATIONS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to condemn the repressive

actions and human rights abuses perpetrated by Daniel Ortega in Nicaragua. Ortega has forced the Nicaraguan Supreme Court to not recognize the leaders of two opposition political parties. He has removed 28 deputies and alternates from the National Assembly. He has chosen his wife to be his running mate in the upcoming illegitimate elections in order to continue the Ortega dynasty and has sent his thugs to break up peaceful marches by Nicaraguan civil society, who are demanding inclusive elections with international and domestic observers.

Mr. Speaker, there must be consequences for these actions, and that is why I introduced the bill, H.R. 5708, the NICA Act, alongside my friend Congressman ALBIO SIRES of New Jersey, to ensure that the United States will oppose any loans to this decrepit regime.

We must show the Nicaraguan people that we stand with them in solidarity and support their efforts to convene free, fair, and transparent elections.

HONORING THE SERVICE AND MEMORY OF OFFICER BRADLEY M. FOX

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, I rise today to honor the service and memory of Officer Bradley M. Fox of the Plymouth Township of Pennsylvania Police Department.

Four years ago today, on the eve of his 35th birthday, Brad was shot and killed in the line of duty. He died protecting the community and the country he served, first as a United States Marine with two tours of combat duty in Iraq, then for 7 years as a Plymouth Township Police Officer.

Brad was a cop's cop. He was respected by his colleagues for his professionalism, and he was admired for his love for life, his love of sports, and, particularly, his love for his growing family.

Brad leaves behind his wife, Lynsay, and his daughter, Kadence, and a son, Brad, Jr., born just months after his father's tragic death. He left behind friends and family who loved him and cherished his memory, and a community that will be forever grateful for his sacrifice.

Semper fi, Brad, and thank you for your life and your service.

CELEBRATING PATRIOT WEEK

(Mr. BISHOP of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP of Michigan. Mr. Speaker, I rise today to urge my colleagues to join me in celebrating what makes our Nation the greatest country in the world by recognizing Patriot Week, currently going on this week. My resolution, H. Con. Res. 58, does just that.

This is a cause that is very close to my heart, as I have always been in awe of the work of our Founding Fathers. In fact, when I was the Senate majority leader of Michigan in 2009, we became the first legislative body to recognize Patriot Week. Since then, events have spread to at least 10 States, where people of all ages have reflected on the work of great Americans who furthered the cause of liberty and our founding principles.

Patriot Week formally begins on September 11, paying tribute to those who lost their lives in the terrorist attacks of 9/11, and ends on September 17, by celebrating Constitution Day. Each day focuses on a different set of American values, people, and our most precious founding documents.

Mr. Speaker, in this time when our Nation has become so divided, we must renew our American spirit and let it endure for generations to come. We are blessed to live in the greatest Nation on Earth, and we owe it to all of the brave men and women who paved the way for us to get here.

I urge my colleagues to join me in participating in Patriot Week and supporting my resolution, H. Con. Res. 58.

DAR CONSTITUTION WEEK

(Mr. FARENTHOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARENTHOLD. Mr. Speaker, on September 17, 1787, the United States Constitution was signed by 39 inspired men who changed the course of history.

As a nation, we celebrate Constitution Week from September 17 to September 23 this year to remember the legacy and freedoms we all enjoy. The signing of the Constitution 229 years ago created a Republic that has withstood the test of time and that has proven that it was destined for greatness.

To this day, the United States Constitution stands as a testament to the tenacity of Americans throughout history to establish justice, to ensure domestic tranquility, to provide for the common defense, to promote the general welfare, and to secure the blessings of liberty. The Constitution has withstood the test of the Civil War, the Great Depression, and many other challenges.

We are blessed to live in a nation where we can all pursue happiness and safety and freedom, and I ask my colleagues to join me and the Daughters of the American Revolution in celebrating the Constitution and what it has done for each and every American during Constitution Week.

REAUTHORIZATION OF THE PERKINS CAREER AND TECHNICAL EDUCATION PROGRAM

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, today I rise in support of H.R. 5587, which reauthorizes the Perkins Career and Technical Education program through the year 2022.

Career and technical education programs help provide the vocational training needed to ensure our students have the technical skills to engage the world with the technology of today and tomorrow.

This reauthorization does more than provide funding for the next 5 years. It also gives structural changes to decrease the burden on local districts and increase engagement with local businesses and higher education partners.

More importantly, H.R. 5587 puts up additional barriers between politicians and students, preventing Sacramento and Washington from interfering with our educators.

Mr. Speaker, not every student is bound for college, but every student should leave high school with the knowledge and skills necessary to join today's workforce and have all the options available to them.

OUR DEALINGS WITH IRAN ARE A THREAT TO NATIONAL SECURITY

(Mr. HOLDING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLDING. Mr. Speaker, one would think that, after receiving pallets stacked high with international currency shrouded in secrecy and the associated benefits of this administration's flawed nuclear deal, the leadership in Iran would want to change their ways. But when it comes to Iran, logic doesn't apply.

In fact, Mr. Speaker, the opposite has happened. Iran has become more confrontational. Tehran continues to develop and test ballistic missile technology, deploy advanced surface-to-air defenses at a ''peaceful'' nuclear site, and harass our naval vessels on the open seas.

The leaders in Tehran and in the IRGC are continuing down the same old path of aggression as they did before the nuclear deal. But now, Mr. Speaker, they have fresh resources and a renewed sense the United States won't seek to hold them accountable, both courtesy of the Obama administration.

Mr. Speaker, it is time for the administration to wake up and realize that their policies and dealings with Iran are further threatening our national security.

□ 1230

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF PRIVILEGES OF THE HOUSE

Mr. FLEMING. Mr. Speaker, pursuant to clause 2 (a)(1) of rule IX, I rise to give notice of my intent to raise a question of the privileges of the House.

The form of the resolution is as follows:

House Resolution 828—impeaching John Andrew Koskinen, Commissioner of the Internal Revenue Service, for high crimes and misdemeanors.

Resolved, that John Andrew Koskinen, Commissioner of the Internal Revenue Service, is impeached for high crimes and misdemeanors and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against John Andrew Koskinen, Commissioner of the Internal Revenue Service, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

Article 1.

John Andrew Koskinen, in his conduct while Commissioner of the Internal Revenue Service, engaged in a pattern of conduct that is incompatible with his duties as an Officer of the United States, as follows:

Commissioner Koskinen failed in his duty to respond to lawfully issued congressional subpoenas. On August 2, 2013, the Committee on Oversight and Government Reform of the House of Representatives issued a subpoena to Secretary of the Treasury Jacob Lew, the custodian of Internal Revenue Service documents. That subpoena demanded, among other things, ''all communications sent or received by Lois Lerner, from January 1, 2009, to August 2, 2013.'' On February 14, 2014, following the Senate's confirmation of John Andrew Koskinen as Commissioner of the Internal Revenue Service, the Committee on Oversight and Government Reform of the House of Representatives reissued the subpoena to him.

On March 4, 2014, Internal Revenue Service employees in Martinsburg, West Virginia, magnetically erased 422 backup tapes, destroying as many as 24,000 of Lois Lerner's emails responsive to the subpoena. This action impeded congressional investigations into the Internal Revenue Service targeting of Americans based on their political affiliation. The American people may never know the true culpability or extent of the Internal Revenue Service targeting because of the destruction of evidence that took place.

Wherefore, John Andrew Koskinen, by such conduct, warrants impeachment and trial and removal from office.

Article 2.

John Andrew Koskinen engaged in a pattern of deception that demonstrates his unfitness to serve as Commissioner of the Internal Revenue Service. Commissioner Koskinen made a series of false and misleading statements to Congress in contravention of his oath to tell the truth. Those false statements included the following:

(1) On June 20, 2014, Commissioner Koskinen testified that ''since the start of this investigation, every email has been preserved. Nothing has been lost. Nothing has been destroyed.''

(2) On June 23, 2014, Commissioner Koskinen testified that the Internal Revenue Service had ''confirmed that backup tapes from 2011 no longer existed because they have been recycled, pursuant to the Internal Revenue Service normal policy.'' He went on to explain that ''confirmed means that somebody went back and looked and made sure that in fact any backup tapes that had existed had been recycled.''

(3) On March 26, 2014, Commissioner Koskinen was asked during a hearing before the Committee on Oversight and Government Reform of the House of Representatives, ''Sir, are you or are you not going to provide this committee all of Lois Lerner's emails?'' He answered, ''Yes, we will do that.''

Each of those statements was materially false. On March 4, 2014, Internal Revenue Service employees magnetically erased 422 backup tapes containing as many as 24,000 of Lois Lerner's emails. On February 2, 2014, senior Internal Revenue Service officials discovered that Lois Lerner's computer hard drive had crashed, rendering hundreds or thousands of her emails unrecoverable. Commissioner Koskinen's false statements impeded and confused congressional investigations into the Internal Revenue Service targeting of Americans based on their political affiliation.

Wherefore, John Andrew Koskinen, by such conduct, warrants impeachment and trial, and removal from office.

Article 3.

John Andrew Koskinen, throughout his tenure as Commissioner of the Internal Revenue Service, has acted in a manner inconsistent with the trust and confidence placed in him as an Officer of the United States, as follows:

During his confirmation hearing before the Senate Committee on Finance, John Andrew Koskinen promised, ''We will be transparent about any problems we run into; and the public and certainly this committee will know about those problems as soon as we do.''

Commissioner Koskinen repeatedly violated that promise. As early as February 2014 and no later than April 2014, he was aware that a substantial portion of Lois Lerner's emails could not be produced to Congress. However, in a March 19, 2014, letter to Senator Wyden of the Senate Committee on Finance, Commissioner Koskinen said, ''We are transmitting today additional information that we believe completes our production to your committee and the House Ways and Means Committee. . . . In light of these productions, I hope that the investigations can be concluded in the very near future.'' At the time he sent that letter, he knew that the document production was not complete.

Commissioner Koskinen did not notify Congress of any problem until June 13, 2014, when he included the information on the fifth page of the third enclosure of a letter to the Senate Committee on Finance.

Wherefore, John Andrew Koskinen, by such conduct, warrants impeachment and trial, and removal from office.

Article 4.

John Andrew Koskinen has failed to act with competence and forthrightness in overseeing the investigation into Internal Revenue Service targeting of Americans because of their political affiliations as follows:

Commissioner Koskinen stated in a hearing on June 20, 2014, that the Internal Revenue Service had ''gone to great lengths'' to retrieve all of Lois Lerner's emails. Commissioner Koskinen's actions contradicted the assurances he gave to Congress.

The Treasury Inspector General for Tax Administration found over 1,000 of Lois Lerner's emails that the Internal Revenue Service had failed to produce. Those discoveries took only 15 days of investigation to uncover. The Treasury Inspector General for Tax Administration searched a number of available sources, including disaster backup tapes, Lois Lerner's BlackBerry, the email server, backup tapes for the email server, and Lois Lerner's temporary replacement laptop. The Internal Revenue Service failed to examine any of those sources in its own investigation.

Wherefore, John Andrew Koskinen, by such conduct, warrants impeachment, trial, and removal from office.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Louisiana will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PROVIDING FOR CONSIDERATION OF H.R. 3590, HALT TAX INCREASES ON THE MIDDLE CLASS AND SENIORS ACT

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 858 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 858

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to repeal the increase in the income threshold used in determining the deduction for medical care. All

points of order against consideration of the bill are waived. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. BURGESS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 858 provides for consideration of H.R. 3590, the Halt Tax Increases on the Middle Class and Seniors Act and the Restoring Access to Medication Act.

The rule provides for 1 hour of debate equally divided among the majority and minority of the Committee on Ways and Means. As is standard with all legislation pertaining to the Tax Code, the Committee on Rules has made no further amendments in order. However, the rule affords the minority the customary motion to recommit.

Under the rule, we will be considering a bill to prevent one of the most significant tax increases imposed on the American people by the Affordable Care Act. The bill advanced through regular order and was favorably reported out of the Committee on Ways and Means.

H.R. 3590, the Halt Tax Increases on the Middle Class and Seniors Act, amends the Internal Revenue Code of 1986 to repeal the increase in the income threshold used in determining the deduction for medical care. This increase was created by the Affordable Care Act and is another example of how the law is hurtful to average Americans. Our Nation's seniors should not bear the burden of paying for the Affordable Care Act.

H.R. 3590 is commonsense policy that will provide relief to American families while promoting consumer-driven health care. Under current law, Americans aged 65 or older can deduct out-of-pocket medical expenses to the extent that such expenses exceed 7.5 percent of an individual's adjusted gross income. However, as part of the Affordable Care Act, this 7.5 percent threshold will increase to 10 percent January 1, 2017, for those age 65.

H.R. 3590 would restore the pre-Affordable Care Act threshold of 7.5 percent for all Americans and is a meaningful step toward easing the burden of rising medical expenses in communities across the country. This will provide broad-based tax relief to middle- and low-income families as they continue to struggle in difficult economic times.

The administration raised the AGI threshold from 7.5 to 10 percent in order to help pay for the Affordable Care Act's price tag. The result of this policy is an almost $33 billion tax increase over the next decade that will be shouldered by the middle class and senior citizens.

According to Americans for Tax Reform, over 10 million families used this tax provision in 2012 with an average of $8,500 in medical expenses claimed, and more than half the families that used that provision made less than $50,000 a year. This legislation permanently lowers the adjusted gross income threshold from 10 percent to 7.5 percent for all taxpayers, regardless of their age.

We are reminded daily of the shortcomings of the Affordable Care Act: the double-digit health insurance premium increases; less consumer choice as insurers abandon the exchanges; and increasingly narrow networks across the country. Due to the rising burden for families of out-of-pocket costs, the average deductible for an employer-sponsored health plan surged nearly 9 percent in 2015 to now more than $1,000. Beginning in 2017, the President's health law will increase the tax burden on our seniors, and this is a cost many will struggle to bear. This increase will have a disproportionate impact on seniors who are more likely to take advantage of this deduction.

According to the National Center for Policy Analysis, the average senior spends over $4,888 a year on medical expenses, twice as much as the average non-elderly adult. Typically, seniors no longer have an increase in income, instead relying on their savings. Congress must take steps to strengthen our citizens' ability to save their hard-earned dollars, not constrain it.

What is most egregious about the timing of the tax increase hidden within the thousands of pages of the Affordable Care Act is the cynical nature of its placement.

□ 1245

When the Affordable Care Act passed in the middle of the night and people famously said they had to pass the bill in order for people to find out what was in it, they used the maneuver to pay for the high cost of the bill by making the so-called benefits of the legislation take place immediately and having the costs of the legislation, the egregious tax increases that everyone knew would be unpopular, not take effect until 7 years after the passage of the bill. But that day is now upon us. It is calendar year 2017.

Those 7 years allowed for three election cycles to take place. Democrats in the House and Senate, and certainly the Democrat in the White House, knew that they could not withstand an election after the American people discovered all of the new taxes hidden in the Affordable Care Act, so they wrote the bill in a way that ensured that they could get through their reelections—especially the Presidential election in 2012—without having to defend significant tax increases.

For Democrats in the House, it didn't work, and the American people rose up, and after the 2010 election, Republicans resumed the majority of the House less than a year after the Affordable Care Act's passage; but the President and Democratic Senators were able to avoid having to defend the tax increases that they supported since those increases had not gone into effect.

Well, now the full cost, the full cost of these tax increases is about to bear down on American families, and when families across the country see how much more of their income is going to be taken out of their paychecks and given to bureaucrats in Washington, the anger will be as palpable this year as it was in 2010.

As we have learned, a Washington-centered approach to delivering high-quality affordable health care cannot work. While we are committed to large-scale reform of the healthcare system, there are people who cannot wait, and that is why we are taking action now. H.R. 3590 is just one example of the work that our Conference is doing to promote Member-driven solutions in order to improve health care for our citizens and ensure that they have greater access to quality care at a truly affordable price. H.R. 3590 will add on to this progress and make certain that we protect Americans from the mounting costs of the Affordable Care Act and preserve one of the few tools that they have at their disposal to contain high medical expenses.

H.R. 3590 will help the middle class and help seniors by preserving one tool to help soften the blow of rising healthcare costs. At this point in time, our citizens cannot withstand another chunk of their savings going into the Federal coffers in order to pay for a failed experiment that the administration has gone to astronomical lengths to prop up. In today's climate of ever-increasing healthcare costs, we must do whatever we can to provide relief to taxpayers and put in place reforms to promote a return to consumer-driven health care. This important legislation can help reverse the trend of Washington-directed, one-size-fits-all healthcare policy. This bill is concrete proof of the actions that can be taken to return power to individuals.

I encourage our colleagues to stand up for the middle class and senior citizens and support H.R. 3590.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman for yielding me the customary 30 minutes.

Mr. Speaker, I rise in opposition to the rule for consideration of H.R. 3590, and to the bill.

They say you can't have your cake and eat it too, but that is exactly what Republicans are trying to do with this bill. They are trying to keep the benefits of ObamaCare and repeal the costs of ObamaCare. They are saying we are going to continue subsidies for middle-income and lower-income people, every expense associated with ObamaCare, and yet we are going to reduce the funding. We are going to increase our deficit by over $30 billion.

At a time when the deficit continues to add to our national debt, when many of us are calling for going the opposite direction, trying to balance our budget, I am a proud sponsor of a balanced budget amendment. Digging this $30 billion hole will make it even harder to balance the budget.

If the Republicans are serious about cutting $30 billion in revenue, let's show where they are going to cut $30 billion in costs. Whether it is from the Affordable Care Act or whether it is other items, it is not intellectually honest to simply say we are going to cut money, but we are not going to tell you where it is coming from.

This bill would add $33 billion to the deficit. And we all like tax cuts, Mr. Speaker. I mean, who wouldn't want to cut taxes for everybody? It is always a question of: How are you going to pay for it?

The Republicans failed to pay for this $33 billion in that bill. In fact, by giving tax cuts today, they are making our next generation, our children, even more beholden to today's debt and the legacy of debt that they are leaving for the next generation.

The revenue generated by this provision is an important part of trying to reduce our deficit and balance our budget. Removing that will simply create a hole of over $30 billion in a deficit that is already over $400 billion.

H.R. 3590 would increase the deficit by establishing the itemized deduction threshold at 7.5 percent for all taxpayers. If Congress continues to roll back pay-fors on a law that costs money to implement, it is going to continue to increase our deficit. There have been a number of other measures that have been brought before this body that have also increased our deficit.

At a time when numerous significant public health crises need to be addressed—the Zika virus, opioid addiction, the water in Flint—we are actually discussing a bill that increases the deficit by $33 billion and doesn't even deal with any of these crises, making it even harder to try to find the scarce resources that we have and divert them from existing operational programs or other revenue generators to address the Zika public health crisis, the opioid addition, or the Flint water crisis.

While H.R. 3590 sets out nice tax cuts, it doesn't pay for them. The reality of this bill is that the higher a household's income, the more likely it is to get a tax cut. According to the congressional Joint Committee on Taxation, if H.R. 3590 were to become law, taxpayers with over $100,000 of income would receive two-thirds of this tax cut at the expense of their own children, who would then be forced to inherit a nation even deeper in debt.

When you spend money you don't have, that is a future tax increase. So effectively what this bill does is it trades a tax cut today for a tax increase tomorrow. If you ask me, Mr. Speaker, this country has done too much of that already.

It would be one thing if this tax cut were paid for. We could weigh the pros and the cons. We could weigh the costs and the benefits, a $32 billion tax cut. I agree with what my colleague said. It would be a wonderful thing to do. It would be a wonderful way to help families afford health care and increase the deductibility level.

But what's the tradeoff, Mr. Speaker? There are tradeoffs in this world. You can't have your cake and eat it too. Where are you going to cut $33 billion because this tax cut is so justified? Maybe there is a program we can agree to cut. I would probably support it today if we decreased defense spending by $33 billion over 10 years and that was the pay-for. I wouldn't have a problem with that. I would much rather give the money to middle class families than continue to spend more than the rest of the world combined on our military.

And look how cavalier this body is about adding $33 billion to the deficit. All in a day's work, Mr. Speaker. Apparently, we are impeaching an IRS Commissioner and we are adding $33 billion to the deficit. We wonder why, when the American people look at this body, its approval rating is so low. Twelve percent is what I saw last. In 1 day, we are adding $33 billion to the deficit while not addressing critical issues with Zika and Flint.

In Flint, for example, a year has gone by since a doctor first raised a red flag about the city's water supply, and we have not appropriated or replaced the corroded water pipes. There is still water being trucked in. While Flint families are continuing to rely on bottled water, on trucked in water, Congress is increasing the deficit even more.

Or we can examine the abuse of prescription opioids, an epidemic that is sweeping this country. Now, we passed a lowest common denominator bill, a bill, of course, I supported. It has some good statistics and good coordination, but it doesn't substantively do anything to address the fact that opioids were involved in 28,647 tragic deaths last year alone, the most on record.

In May, we heard Members from both sides of the aisle come to the floor and speak eloquently about how addiction is ravaging families back home, and I share those stories from Colorado. But when the President submitted a proposal that would have provided $1.1 billion in funding to actually address this epidemic, Congress did nothing. So here we are increasing the deficit by $33 billion, where, if we simply took $1 billion of that and addressed the opioid crisis, $1 billion of it and addressed Zika, then we could simply use the rest to reduce the deficit.

We are happy to spend money we don't have. The Republicans are happy to spend money we don't have when it comes to tax cuts; but when it goes to public health, when it goes to lead in pipes, when it goes to reducing prescription drug abuse, there is no money for that. Instead, this body passed a package of bills with no funding.

And then there is Zika. In the pantheon of public health emergencies, Zika is particularly pressing. Almost 19,000 Americans have already contracted Zika, including 1,800 pregnant women. The numbers are likely higher because we don't know all of the diagnoses in all of the cases, and four or five people only have mild symptoms and might not be diagnosed.

In pregnancies, Zika, as we know, can be especially devastating and, I might add, costly to taxpayers for the lifetime of the child. A fetus is susceptible to severe cognitive impairments caused by the virus, including microcephaly. So far there are upwards of 20 cases of microcephaly in the U.S., and that number is set to increase with the prevalence of Zika, which only Congress can act to stem.

The administration declares Zika to be a public health emergency in Puerto Rico, where one in four people are estimated to become infected over in the next year. Florida is grappling with an upsurge in cases, prompting the CDC to issue its first ever domestic travel warning within our own country to our own State of Florida.

We need to learn more. The virus has been around for decades, but few comprehensive studies exist as it made the transition from Africa to South America. We know very little about the likelihood a fetus will contract Zika or what the factors are that affect that and the long-term implications of exposure to the virus as an infant.

This knowledge gap isn't for lack of qualified talented researchers. I was fortunate to visit the CDC's Division of Vector-Borne Diseases with Representative BUCK just a few weeks ago to see firsthand the research they are doing into viruses such as Zika, but they need the ability and the resources to focus on this imminent public health crisis.

At a CDC laboratory, the Division of Vector-Borne Diseases relies on Federal funding to produce cutting-edge science that saves lives. If this body were to approve the requested amount

to fight Zika, it is likely we would know already a lot more about this scary virus.

Relevant to my district is another recent and unprecedented outbreak of a mosquito-borne virus: West Nile. At 28 human cases, it is the highest incidence of the virus in the State. Cities such as Los Angeles, Dallas, and Phoenix are also being hit hard. That is also directly affected by the public health for vector-borne viruses.

Funding will also be essential to reduce the building diagnostic backlog or develop a simpler method of testing. The testing process for Zika is cumbersome and costly. In places with local transmission like Florida and Puerto Rico, results have started to take upwards of a month to come back, leaving families in an ongoing chronic state of uncertainty and agony. Appropriating dollars to deal with this emergency is critical to develop a vaccine.

With public health experts pleading for funding to combat Zika, President Obama sent Congress a $1.9 billion funding request to combat the virus on February 22. Well, now it is September 13, 204 days since the request, and thousands of victims later. While the Senate approved $1.1 billion to combat the virus, House leadership has not shown any appetite for this measure. In the meantime, agencies like Health and Human Services are desperately trying to transfer money from other accounts just to make ends meet.

I am frustrated, Mr. Speaker, that here we are discussing a bill that adds $33 billion to our deficit that we don't have when we can least afford to do so, when we are not even talking about these much smaller ticket items that are urgent and that are emergencies. It is frustrating that this body continues to promulgate a double standard around offsetting the cost of legislation.

Expenditures and revenues are two sides of the same coin. If you reduce revenues by $2 billion, it has the exact same impact on the deficit as increasing expenditures by $2 billion. They are the same thing. Yet here we are creating massive fiscally irresponsible holes in our deficit, moving further away from ever balancing it, when we are not even looking at these much smaller ticket items that are much more important and are critical emergencies. We are discussing a bill that adds $33 billion to our deficit.

We continue to avoid dealing with Flint, with opioids, and with Zika, at a small fraction of the cost of this bill, Mr. Speaker. Just give us 10 percent of the cost of this bill—$3 billion—and think of the progress we can make on Flint and opioids and Zika. Instead, we are spending $33 billion in tax expenditures to increase our deficit by over $33 billion. This isn't the way to balance the budget. This isn't the way to run a country.

□ 1300

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up legislation that would allow those with outstanding student debt to refinance their existing high interest rates to lower interest rates. Mr. Speaker, every one of us has constituents who are struggling with student debt. This legislation gives us an opportunity to provide immediate relief.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I think what is frustrating in consideration of this deficit-busting, irresponsible, Republican tax-and-spend bill is a double standard. We have a bill before us that would increase the deficit by over $33 billion, yet we are not even allowed to consider these much smaller ticket items that are pressing national emergencies.

Children in Flint still can't bathe or drink tap water because of toxic lead; families in New Hampshire are receiving little help for the opioid addictions ravaging their communities; pregnant women in south Florida are living in fear of the serious health consequences and birth defects related to Zika; and yet there is $33 billion for a tax cut for the wealthy.

What piece am I missing here, Mr. Speaker? How is it that there is $33 billion for a tax expenditure, but there is not even $1 billion or $2 billion or $3 billion to address these pressing issues like Zika or lead or opioids?

A dollar is a dollar. Whether you expend it as a decrease in revenue or an expenditure, it has the exact same economic impact. It increases our budget deficit, already over $400 billion; and here we have a bill that would increase it by over $30 billion.

If we are going to move towards balancing the budget, Mr. Speaker, of course, we need to look at expenditures and we need to look at revenues. That is the only way you are ever going to get there. And it is the exact wrong direction to be decreasing net revenues without even talking about what expenditures you are going to cut.

Again, it would be one thing if we knew what the tradeoffs were, if this bill had an offset for the $33 billion and we said: You know what? This is a worthy tax cut.

The gentleman made a good case for it. Of course, we want to increase deductibility of healthcare expenses. I don't think there is a single person in this body who wouldn't want to do it.

The question is: What is the tradeoff? Where is that $33 billion going to come from?

And let's work together to find a way to pay for it. Right? I mean, let's look at spending less on our military rather than spending more than the rest of the world combined.

You know what? If we cut just $3 billion a year from our bloated military budget, we could fully pay for this tax cut. Sign me up, Mr. Speaker. That would be paid for, and I would support it.

There might be other areas that we could find to work together to pay for this tax cut, but when you are asking us, Mr. Speaker, to say: You know what? I want to pay for this tax cut by mortgaging your children's future, you are not going to get a lot of takers among us fiscally responsible Democrats.

I guess Republicans don't care about the deficit, don't care about mortgaging the future, don't care about leaving our kids further in debt. But you know what? Democrats do. That is why I oppose this bill. Our children are already inheriting an enormous legacy of debt. The last thing we should be doing is adding $33 billion more to that.

I have nothing against this particular expenditure. If there is a way to pay for it, we could do that. We could work with Republicans on it. I would be happy to work with Republicans on it. There are always tradeoffs in life. Nothing comes free. There is no expenditure that is free. There is no reduction in revenue that is free. A dollar is a dollar. Families across our country know that when they are balancing their checkbooks at the end of the month. They know that if they spend more money or they get a bonus at work, it goes into the same pot. And if they get a cut in their salary, that means they have less money to spend.

That is what it should mean to this Congress. If we are going to be taking in $33 billion less, we should spend $33 billion less. We should pay for any tax cut or expenditure on the revenue side and make sure that it doesn't go to mortgaging our children's future by increasing our already bloated budget deficit and contributing to our national debt.

If it wasn't so serious, Mr. Speaker, it would almost be humorous when we hear around raising the debt ceiling time from our Republican friends, Oh, we don't want to increase the debt ceiling, oh, no. The debt ceiling. The debt ceiling. We are not going to increase the debt ceiling.

Well, you know why the debt ceiling reaches its cap, Mr. Speaker?

The reason the debt ceiling needs to be increased is because Congress spends more than it has.

It is too late to complain after the fact, Mr. Speaker. It is too late to complain after the fact. If you, Congress, spend more than you take in, yes, you are going to need to increase the debt ceiling. It is not rocket science. I think even my kindergartener could do the math. It is addition and subtraction. Yet here we are saying: You know what? Let's cut government revenues by $33 billion.

Well, you know what, Mr. Speaker?

If this bill were to become law, we would reach the debt ceiling even earlier. And, of course, Congress would have to blow the lid on the debt ceiling and increase the national debt. It is math. It is simple math, Mr. Speaker, and families across our country understand simple math. They balance their checkbooks.

My home State of Colorado requires a balanced budget every year, just as many other States across the country do. I support a balanced budget amendment here. I think that Congress, like families across our country, like our States, should balance our budget. But even in the absence of that requirement, Congress should act responsibly to do it. And this bill is the opposite. It increases our deficit by over $30 billion. It doesn't pay for it. It mortgages our children's future for a tax expenditure today. It is the wrong way to go for our country.

So while, of course, my Democratic colleagues and I share concern about ensuring access to affordable health care and would be happy to talk about tradeoffs that are involved with any reduction in revenues, H.R. 3590 is simply not the way to do it.

I strongly urge my colleagues to vote ''no'' and defeat the previous question and to vote ''no'' on this restrictive, misguided rule.

I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there is perhaps a fundamental, philosophic difference between the gentleman and myself. Taxes that are taken from people are just that: it is money that is taken from people under penalty of law. These are not expenditures of the government that we are talking about. We are talking about taking people's money from them, sometimes forcibly. And in this case, in order to fund what?

Well, I don't know how many people here remember when the Affordable Care Act passed late that night in March of 2010. I don't know how many people were paying attention to section 9013 of the law, for which they either voted ''yea'' or ''nay.'' But let me just remind people what section 9013 said.

Mr. Speaker, this is one of the underlying problems that the Affordable Care Act has had since the git-go. You ask yourself: Why is a law that is giving people stuff so marginally unpopular? And why has that unpopularity persisted over all of this time?

Well, one of the reasons for that is the coercive nature of the Affordable Care Act. I mean, the fact that there is an individual mandate: You have to buy it, or we are going to penalize you through the Tax Code.

But one of the other reasons was the very duplicitous way in which this bill was passed: We are going to give you stuff today, and then we are going to figure out kind of how to pay for it later.

But just listen to the language of section 9013 that was voted on in this House late in the night in March of 2010:

''(a) In General.—Subsection (a) of section 213 of the Internal Revenue Code of 1986 is amended by striking '7.5 percent' and inserting '10 percent'.''

Okay. Well and good. We follow that. That is what we have been discussing.

The next section:

''(b) Temporary Waiver of Increase for Certain Seniors.—Section 213 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection''—okay. And now here comes the new subsection:

'' '(f) Special Rule for 2013, 2014, 2015, and 2016.—In the case of any taxable year beginning after December 31, 2012, and ending before January 1, 2017, subsection (a) shall be applied with respect to a taxpayer by substituting '7.5 percent' for '10 percent' if such taxpayer or such taxpayer's spouse has attained age 65 before the close of such taxable year.'.''

Mr. Speaker, if there was ever a case of hide the ball, if there was ever a case of let's not be honest with people about what we are actually passing, this bill was it.

So today we are going to consider a bill from the gentlewoman from Arizona (Ms. MCSALLY) to protect seniors from this tax increase that is on automatic pilot. The skids are greased, and it is going to hit people January 1, 2017, if the Congress doesn't do something.

Mr. Speaker, today's rule provides for the consideration of an important bill to undo one of the most harmful tax increases on the middle class created by the Affordable Care Act.

I want to thank Ms. MCSALLY for this legislation.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 858 OFFERED BY MR. POLIS

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1434) to amend the Higher Education Act of 1965 to provide for the refinancing of certain Federal student loans, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1434.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. JODY B. HICE of Georgia). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 5620, VA ACCOUNTABILITY FIRST AND APPEALS MODERNIZATION ACT OF 2016

Mr. COLLINS of Georgia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 859 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 859

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5620) to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Veterans' Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

Mr. COLLINS of Georgia. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on House Resolution 859, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, I am pleased to bring forward, on behalf of the Rules Committee today, this rule that provides for consideration of H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016.

The rule provides for 1 hour of debate equally divided and controlled by the chair and ranking member of the Veterans' Affairs Committee and also provides a motion to recommit.

Additionally, the rule makes in order several amendments, representing ideas from both sides of the aisle. Yesterday the Rules Committee received testimony from the chairman and ranking member of the Veterans' Affairs Committee and heard from numerous Members on behalf of amendments offered.

H.R. 5620 includes provisions of the House-passed versions of H.R. 1994, the VA Accountability Act; H.R. 280, the legislation related to bonuses paid to VA employees; language from H.R. 5083, the VA Appeals Modernization Act; and H.R. 4138, legislation related to relocation payments for VA employees.

The VA Accountability First and Appeals Modernization Act continues efforts by this Congress to reform the VA and address the bureaucratic mess that has plagued its operations for far too long.

□ 1315

The bill builds on meaningful steps to restore accountability to the Department of Veterans Affairs and ensure it is appropriately providing veterans with the resources and care they deserve.

We have heard time and time again that the Department of Veterans Affairs has failed to hold individuals accountable for their actions. In the circumstances when the VA has tried to take appropriate disciplinary action against an employee, the process is rarely efficient or meaningful. That is just simply unacceptable, Mr. Speaker.

In fact, a recent study done by the GAO found that on average it takes 6 months to a year—or even longer—to remove a permanent civil servant in the Federal Government. This is ridiculous on its own. Imagine a private business having underperforming employees but not being able to remove them from their positions and, in some circumstances, even being forced to give them raises or bonuses.

Examples range from the typical poor-performing employee to the absurd. Projects continue to be mismanaged and cost overruns abound. Then there are the cases bordering on the absurd.

In one case, the VA helped a veteran, who was an inpatient of the substance abuse clinic, purchase illegal drugs. This employee continued to work at the VA for over a year before removal proceedings even started. Mr. Speaker, did you catch that? It was a year before the proceedings even started. This is amazing.

Another VA employee, a nurse in this case, showed up to work intoxicated and participated in a veteran's surgery while under the influence. Yet another VA employee participated in an armed robbery.

This behavior would not slide in the private sector, and we certainly shouldn't stand for it when it comes to our Nation's heroes who have put their lives on the line to serve our country.

VA officials have even stated in testimony that the process for removing employees is too difficult and lengthy. This means that problem employees continue to work for the VA and interact with veterans. These employees aren't providing services to the agency, and they aren't providing services to our Nation's veterans.

Employees like this need to be removed in a timely way. At the very least, employees need to receive discipline appropriate to the misconduct in a way that discourages poor performance or behavior in the future, but that is just not happening right now.

Let me be clear—and I want to again emphasize because it may even come up here in just a moment—this is not a broadside attack on all VA employees. This is not something that says that all VA employees are bad. In fact, it is far from it.

My office, Mr. Speaker—yours as well, and many others—deal with the VA in a very constructive way, helping many of our veterans get what they need. There are hardworking and wonderful individuals at the VA who are doing all they can to help our Nation's veterans. In northeast Georgia, my office has a good working relationship with our local VA and especially in Augusta and Atlanta in the places we need.

This is not an issue of all of the employees. In fact, we have actually heard from employees of the VA. They say we need these changes because they are tired of being dragged down by the anchors of the bad employees.

Those employees who are doing work well, they are just hindered by this bureaucracy—and it has got to stop—by a system that fails to remove or discipline those poorly performing counterparts. That is not fair to these hardworking individuals who are, in fact, doing their jobs. Most importantly, it

is not fair to the veterans. But I am going to take it a step further as well—it is not fair to the taxpayers.

That is why this bill, the VA Accountability First and Appeals Modernization Act, will take steps to address this problem. The bill will provide improved protections for whistleblowers. It will restrict bonuses for supervisors who retaliate against whistleblowers and strengthen accountability of VA senior executive service employees.

It would expand senior executive service removal authority and create an expedited removal system that would include an appeals process. It would also eliminate bonuses for VA senior executive service employees for 5 years and streamline authority for the Secretary of the VA to rescind employee bonuses. I wish these steps weren't necessary, but the ongoing problems plaguing the VA demand strong action.

Our veterans deserve better, and we have to take steps to be served by this agency that is supposed to be providing them assistance.

In addition to the problems with the VA employee misconduct, the VA's current appeals process is unquestionably broken. As of June 1, 2016, there were almost 457,000 appeals pending in the VA, an increase of over 80,000 pending appeals from the preceding year. In fact, in the Atlanta regional office, there are about 16,500 appeals pending with an approximate 3-year wait time; and the backlog is growing. Caseworkers in my Gainesville office have been told that cases from 2013 are, in some cases, just getting on the desk of VA employees.

Appeals issues are the most common types of cases that my district office sees. We have some great caseworkers in my Georgia office, but they are not able to speed up the process. They only help navigate the red tape and bureaucracy.

My office is always willing to help veterans in need, and we stand by ready to help when we can. But it shouldn't take a congressional office to get answers from the VA. The VA should be answering veterans in a timely manner. This process needs to be fixed. As a current, still active member of the United States Air Force Reserve, this is just not what we need.

Mr. Speaker, could you think about what we could do with our caseworkers if they were not bogged down in this kind of inefficiency dealing with the VA that we have addressed in this Congress on other occasions with funding and with other issues, and they are still dealing with this?

When a veteran appeals a claim, they shouldn't have to wait for years for an answer. But the current system has led to a backlog that leaves many veterans in limbo.

This bill takes steps in the right direction. H.R. 5630 would streamline the appeals process and help clear the massive backlog of appeals currently stuck and clogging the system.

Under the bill, veterans will be able to obtain faster decisions and will be able to retain the original effective date of their claims throughout the appeals process. It will protect veterans' due process rights while updating the antiquated appeals process for VA disability benefits.

This is a good bill, Mr. Speaker. It is something that we need to address. We can make all the excuses in the world we want. We have funded this. As my Senator from Georgia has stated, who is the chairman of the Senate Veterans' Affairs Committee, money is no longer the biggest issue. They have the resources, and they have the will of the Congress. The question is: Will we give them the tools and will the Secretary, more importantly, actually act upon those? That, I have questions about, but we are here today to pass this rule and to get this bill to help those who need help the most, and that is our veterans.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Georgia. I want to point out that with regard to procedures and regular order and how this body works, there is a difference between these two bills, the one that I discussed previously under the other rule and this one. The deficit bill, the $30 billion increase in the deficit that the Republicans want to do, that came through what we call regular order, meaning it was marked up in the Ways and Means Committee. That is normally how things work around here. A bill goes through committee, then it comes to the Rules Committee, and then it goes to the floor.

This bill, however, sort of magically appeared in Rules Committee. It didn't go through the committee of jurisdiction which, at the very least, would include the Veterans' Affairs Committee. It might include other committees as well. It simply appeared and was referred to the floor. So what that means is Members of Congress and a committee did not have a chance to amend it. We don't even know if it would have had a vote in committee and whether it cleared committee. Instead, it just sort of appeared right now.

So, look, we all deeply care, of course, about veterans. I agree with much of what my colleague from Georgia said about the need for the VA to do better.

In Colorado, I have been very involved with our long-overdue, new veterans hospital in Aurora. We have been working many years on getting this completed. In fact, delays have cost taxpayers over $300 million. It continues to leave many who served in our Armed Forces, including many of my constituents, without the convenient, quality care that they were promised.

So I join my colleagues, Mr. PERLMUTTER, Mr. COFFMAN, and many others from our entire Colorado delegation, in, of course, wanting to improve the quality of services at the VA. We had issues as well with fraudulent overbilling and mislabeling of the amount of time that patients waited out of our Fort Collins facility.

There are a number of problems with this bill, but one of them that I want to briefly mention is that it can actually lead to less accountability in the VA because it could lead to the punishment of whistleblowers, of employees who speak up against mismanagement.

When you are looking at passing a thoughtful human resources policy or personnel policy—and I don't dispute that we need to work with the VA to come up with a better way of doing it—you want to make sure that somebody who is a whistleblower is adequately protected. If somebody comes forward and says, you know what, we are doing mislabeling of timesheets, or, you know what, I know why this project is $300 million over budget, and this might be because of X, Y, or Z, it doesn't always rise to the Federal level of whistleblower.

We just want good employees to not feel that they can be fired for coming forward with the truth about misconduct. This bill does not do that. In fact, it will make those who have useful information that can lead to systemic improvements at the VA more hesitant to come forward with that information.

The bill removes a due process protection for VA employees and reduces the amount of time they have to respond to a termination by two-thirds, from 30 days to 10 days. We all want to move expeditiously, but it seems like 30 days is a reasonable timeframe. There is no evidence given as to why that 20-day reduction is needed. I haven't heard any.

It also eliminates a requirement that supervisors provide specific examples of poor performance when an employee is terminated—of course, there should be reasons given—opening the door for unnecessary firings and leaving VA employees with no recourse or rebuttal.

In any organization, employee morale is critical. And to create an environment of paranoia in any enterprise—a company, an agency—is not conducive to furthering the mission. Creating this kind of uncertainty and chaos from a personnel perspective within the VA would likely only make our services to veterans even harder to provide and worse by decreasing employee morale, therefore, making it harder to attract the type of quality caregivers and administrators that we need to facilitate the VA program.

Look, this bill is an attempt to make long-overdue reforms. I wish that it was a thoughtful, bipartisan attempt. I wish it had gone through committee. I wish the committee had worked on it, marked it up, and reported it out with bipartisan support; but that is not what has happened here.

This bill appeared at the last minute, throws away basic rights of employees, reduces morale, endangers whistleblowers, and does very little to improve the quality of services of the VA

or, frankly, the accountability of the employees of the VA, both at the management level and at the worker level.

Like a lot of ideas that we debate here, of course, there is a kernel of an idea here. Yes, we want to work together to reform the VA. We agree with that. My colleague from Georgia gave a lot of reasons. I could give my own. I mentioned the price overrides in our hospital in Aurora. I have mentioned the manipulated timesheets in Fort Collins. I have mentioned, like my colleague from Georgia, just the individual cases where I have had constituents that we have had to help navigate an overly complex bureaucracy and they shouldn't have to go to their Member of Congress.

For men and women who have served our country, for men and women who were injured in the line of duty, for men and women who are disabled from a service-related injury, we owe them our very best. They stood up and defended our freedom, and we owe them all the highest quality of care to take care of them through our VA system, or through Veterans Choice, and the other types of programs that serve our veterans' community. Of course, we need to reform and do better in the VA.

Again, rather than this kind of irresponsible, appeared-out-of-nowhere magical bill that would actually penalize the very whistleblowers that we need to tell us about misconduct and would decrease morale even further in an agency where it has already been impacted, let's start fresh. Let's work together. Let's go back to committee. Let's come up with a thoughtful approach to improving the VA. And let's make this happen.

I reserve the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, this has to be the slowest magic trick I have ever seen in my life. This actually, as written, was introduced and also noticed for amendment 2 months ago—sort of a delay in timing. That is a pretty good magic trick. I guess in the last 2 months, you haven't had a chance to read it. Oh, well.

Mr. POLIS. Will the gentleman yield?

Mr. COLLINS of Georgia. I yield to the gentleman from Colorado.

Mr. POLIS. In those 2 months, why wasn't there a time for this to go through the committee process and regular order?

Mr. COLLINS of Georgia. Mr. Speaker, I reclaim my time.

The vast bulk of this bill did. H.R. 1994 passed out of this House. Frankly, this is a good bill that needs to move forward, and it is a protection of bad workers at the expense of the veterans. If you want to vote against this then that is what you are saying. You are wanting to vote to protect bad workers instead of getting the VA where it needs to go.

Sixteen whistleblower groups have said this is the strongest whistleblower protection they have ever seen. So this idea that you are punishing whistleblowers is, again, just a myth.

I just have one thing, Mr. Speaker, before I yield to the gentleman from Oregon. Thirty days to respond to showing up drunk for surgery in one of the examples that I gave? You don't need 30 days to respond to that. You need to be fired immediately. So I am not sure what the argument is here.

I will agree with my friend from Colorado that we need to fix this. I think we may have different ways to go about it. But again, at the expense of the good workers at the VA, we need to address this.

I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

□ 1330

Mr. WALDEN. Mr. Speaker, I thank my good friend and the gentleman for yielding and for his comments. You are so spot on.

On Saturday morning in Medford, Oregon, I met with about 40 veterans who are furious about the delays in getting access to care, and the fact that they can't maintain providers at the local facility. And, by the way, that is not unique just there. I don't know about you, but I am hearing all across my district, all across Oregon, that these clinics and hospitals are having trouble recruiting people, keeping people. Morale is already bad, and part of it is because there is this lack of discipline.

I agree, Mr. COLLINS, that if you are a surgeon and you showed up drunk for the surgery, we are going to give you 30 days to dry out and explain yourself? Are you kidding me? If you were a pilot and showed up drunk for the flight, I can tell you what happens, right? You are done. And so this is part of the problem.

The people I represent, the veterans, as you say, the men and women who have fought for our freedom, as you have done, they want action, not delay. They want access to care in a timely manner. Everything in this bill, interestingly enough, came up in our discussion from them. How come you are paying bonuses to people that aren't doing their job? Why do they get bonuses at all? Isn't that what we pay them to do? This bill fixes that. Why is it when we raise complaints internally, you know, there is retribution? This bill protects whistleblowers. Why isn't there more transparency about what happens inside the VA? This bill gets at that.

Accountability and transparency will lead us to a better VA, and the dedicated men and women who work in those facilities will feel better about their organization if they know the people who are letting down the veterans that are around them are somehow held accountable. That is true in any organization. I was a small-business owner for 21 years with my wife. This wasn't a you show up drunk on the job and we will talk about it in a month. That is not how this works, and nobody expects that kind of thing.

So, look, we need to reform the VA. We need to take care of our men and women in uniform. We need to claw back the bonuses. We need to get this ship righted. We have helped 5,000 veterans out of my office over the last number of years—5,000.

Ask yourself this: Why do we all have to have staff in our district offices to help veterans work their way through the bureaucracy to get the help that they have earned and deserve? Yet we all do because we care and we want to help. But somewhere you have to back up and go: Why do we all have to hire people to help these veterans get to that point? That shouldn't be necessary. They ought to be embraced by the agency. They ought to be cared for immediately, and it should be a complete last resort that they have to actually track down their Member of Congress to say: ''Can you help bust through the bureaucracy because my loved one doesn't get access to care?'' or ''I can't get access to care.''

This is fundamentally a broken system that needs repair. I think we all agree on that. That is not a partisan issue. None of this should be. We should protect whistleblower rights. This bill does that. We should recoup the bonuses when they were given to undeserving employees, and we should increase transparency. But most of all, we should start with what matters most, and that is the veteran, and build everything out from there. That should be our foremost commitment and our starting place, what is best for that veteran and that veteran's family.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. I thank the gentleman from Colorado, and I want to thank the gentleman from California (Mr. TAKANO), my colleague and the ranking member, for his work on this important issue as well.

Mr. Speaker, I was disappointed to see that my amendment was not made in order. I would like to take this opportunity, really, to expand on something the gentleman from Oregon (Mr. WALDEN) had to say.

Congressman TAKANO and I had simply offered an amendment that would ensure we could improve the process for removing employees for misconduct or performance that warrants removal. It is reprehensible, and it ought to take action.

This amendment that we introduced mirrored legislation introduced by our colleagues Senator JOHNNY ISAKSON and Senator RICHARD BLUMENTHAL. They have developed, by contrast, a bipartisan bill, the Veterans First Act, which will be a critical step to achieving true accountability that the VA so desperately needs to be an efficient agency for the men and women who serve this Nation. It has more than 44 cosponsors, including Senator BOOZMAN, Senator BLUNT, Senator ROUNDS, Senator DAINES. All have supported language that we merely requested be in the bill to improve accountability at the VA that is sorely needed, while

also protecting—and we have heard this a lot from our colleagues on the other side—due process: the due process of the whistleblower, the due process of people who are employed in the Federal Government.

We have a bipartisan-supported bill in the Senate that will take much-needed steps for comprehensive due process and accountability within the VA. This is what the American people despise. Here we are in total agreement on what we need to do with veterans, but because of talking points, in the House we are at a difference for political messaging. We shouldn't make veterans the point of political messaging.

We ought to make sure that the veterans get the kind of service that they need, and when we have a bill in the Senate that is bipartisanly approved and accepted and does just that, that is the kind of bill that we ought to embrace.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do appreciate my friend from Connecticut, and the issue was there were two Takano amendments. One is made in order that does a similar thing, but also to simply say that the Senate bill, which was reported out in May, has never been taken up in the Senate because they have had significant opposition to it. In fact, the only way they got it reported out was union groups and others, they had to make changes to it to get their agreement.

I think at this point we are putting veterans first, not these outside interest groups. I think we just need to understand that the Senate bill has not moved. The Senate bill, in fact, has not passed out of the Senate and shows no hope of passing out of the Senate at this point, and so why should we take that, frankly, product and come over here when we have a bill that can move.

We are offering as many of these amendments as possible. We are going to be voting on my friend from California's amendment as well today. These are the kinds of things where I think we just need to look at this bill for what it is. It is helping veterans. The bottom line is not just simply saying this is what we are doing. This is coming from VA employees, VA employees who are saying help us not be, you know, categorized with all the other things that are going on and with those that are actually bringing what we do down, and also trying to help the appeals process in this situation.

So I appreciate the words of the Members, Mr. Speaker, coming forward on this, but let's also be very honest with what is happening in both Chambers of the bicameral legislature. We have one bill over there that is not going anywhere that was reported out. We have an amendment that will be voted on today that reflects the gentleman from California's concern. We will see how that will be decided by this body. We are moving forward on a bill that will actually help, and we encourage everybody to be a part of that.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentlewoman from New York (Ms. SLAUGHTER) will control the remainder of the time of the minority.

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. TAKANO), the distinguished ranking member of the Committee on Veterans' Affairs.

Mr. TAKANO. Mr. Speaker, I thank the gentlewoman from New York for yielding me time.

Mr. Speaker, I rise in opposition to this rule and the underlying bill. All of us, Democrats and Republicans, believe in the need for stronger accountability for employees at the VA to ensure that our veterans get the care they deserve. Unfortunately, this legislation will fall short of that goal and, in doing so, set accountability efforts back for at least a year, if not more.

Our Senate colleagues have a bipartisan bill that includes accountability provisions that could serve as a foundation for legislation in the House. It doesn't mean it is perfect; it doesn't mean in its current form it would be voted out of the Senate; but it is a far more bipartisan approach than the one that is before us today. We have an opportunity to advance language that both parties in both Chambers can agree to and would contribute to a more accountable and more effective VA.

H.R. 1994 and the current bill before us, H.R. 5620, both contain flawed accountability tools, tools which, if the VA used them, would likely result in adverse judgments in the courts and cost a lot of time and money pursuing with the likely result of those employees being reinstated.

Democrats are ready to work with the majority to find the right path forward. That is why 75 Democratic or bipartisan amendments were submitted to the Committee on Rules. Unfortunately, only 22 amendments were made in order to be considered by the full Chamber.

One of my amendments not made in order included a crucial fix to support and protect student veterans who have their education cut short by a school's abrupt closure. When a college or university like ITT Tech or Corinthian shutters its doors on short notice, student veterans enrolled at these institutions are routinely left with their GI Bill and Yellow Ribbon benefits severely weakened or even depleted and with no degree or job prospects to show for it. There is urgency to put a fix in place, and my amendment would do that.

There are no means in place for a student veteran enrolled at one of these institutions to get any part of their educational benefits restored, and many also lose their housing benefits, which student veterans depend on as a crucial source of housing support.

The bipartisan amendment I submitted with Representative SUSAN BROOKS would have restored post-9/11 GI Bill benefits and training time to veterans who are negatively affected by a school's sudden closure, and it would also allow the VA to continue paying student veterans a monthly housing stipend for a short time following a permanent school closure.

There are even more important amendments that this House won't get to consider.

Congresswoman DELBENE from Washington State offered an amendment to update the Advisory Committee on Minority Veterans, including LGBT representatives, and ensure that this committee better addresses the needs of all minorities.

My colleague, Congressman WALZ, offered an amendment to extend the original deadline issued by the Agent Orange Act of 1991 to ensure that Vietnam veterans exposed to Agent Orange receive just compensation and care.

Another colleague on the House Committee on Veterans' Affairs, Congresswoman KUSTER, offered an amendment to help improve access to care for veterans and strengthen the healthcare workforce by creating a pilot program to train physician assistants who agree to work at the VA in underserved communities.

She also submitted an amendment to address the opioid crisis by creating a pilot program that improves pain management for veterans suffering from opioid addiction and chronic pain. It also requires the VA to assess its ability to treat opioid dependency. It also requires increased access to opioid overdose reversal medication at VA facilities.

Access to care and reducing opioid addiction are some of the most pressing issues facing veterans today, yet neither of her amendments were made in order.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. Mr. Speaker, I yield an additional 1 minute to the gentleman.

Mr. TAKANO. Instead, the majority has once again introduced a partisan bill that violates the due process rights of VA employees and includes several provisions that are likely to be overturned by our justice system, which is why the Department of Justice, Office of Personnel Management, and the VA itself have all raised serious objections.

Even though 30 percent of VA employees are veterans themselves, the majority is treating their constitutional rights as inconvenient obstacles to evade instead of fundamental civil service protections to uphold.

Finally, I believe that the majority's efforts to institute new whistleblower provisions would be overturned for the same reason that the U.S. Attorney General's office said it would not defend an unconstitutional section of the

Choice Act. It violates the Appointments Clause in the Constitution by allowing lower level government employees to have the final decisionmaking authority to decide whether an employee will be fired.

These are more than minor legal concerns. They are reasons why VA employees who commit misconduct will not be held accountable when their terminations are challenged in court. We can pass H.R. 5620, but we will be right back here a year from now or 2 years from now when the law is deemed unconstitutional.

I urge my colleagues to oppose the rule and the underlying bill.

□ 1345

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I feel for the passion of my friend from California, but let's also get back to some issues of fact here. His amendment that was not made in order would not have helped the ITT Tech students. In fact, the VA itself has already said it wouldn't. By the way, it also costs $50 million. It wouldn't help the very ones we are claiming it would help, but the VA says this, not us.

Again, are we wanting to help somebody or make, again, a political statement about a bill that you are trying to figure out a way to vote against?

Maybe that is what we are doing here.

Also, this issue of bipartisanship. Thirty pieces of legislation have been passed on VA, of which 29 have had Democrat or bipartisan provisions added in them in this Congress. By the way, the Senate has passed none of those. If you want to know who is actually working to fix the problems in the VA, it is the House.

To keep bringing up and having a baseline and say we need the baseline of a Senate bill that can't move, I mean, that is like saying that I still want to play football for the Atlanta Falcons. It is not happening. It is a great, I guess, aspirational goal, but they haven't called me lately.

So let's move something that actually works. This idea that it is going to be struck down in court, I am an attorney; it is conjecture. You don't have a ruling that says that. You can say it all you want. I can go to the good judge from Texas, Mr. Speaker. Nobody has made a ruling. So it is conjecture. It sounds good in an argument if you are trying to find a reason to vote against it.

This bill would harm veterans because veterans make up 35 percent of the VA's workforce. This one is the one that bothers me a little bit. As someone who still serves, when you go through training and you work—and many in this room have served—you are trained in the military to the highest expectations of your service every day. And if you are forced to work with people who do not live up to those expectations, then the immediate punishment in the military is real, severe, and actual. This is ridiculous. We are lowering the standard for appeal when you have done something.

There has been this argument that we are just picking on the low-level employees. No, it is not. It is for everyone all the way up the chain.

In my own home State, Mr. Speaker, we had a gentleman who was directly implicated in the scheduling issues in Augusta and asked for a transfer to Atlanta because he was not liking the working conditions in Augusta. He should have never got a transfer to Decatur. He should have been fired and prosecuted.

Now, if we want to keep coming up with reasons to vote against this bill, fine and dandy. Keep it up.

When we look at the honesty here of the questions and we look at how we are discussing this and some of the amendments that were made in order, let's go back to the amendments. Sixteen Democrat amendments made in order, five Republican, one bipartisan. Many of the applications had dual meaning. They were doing basically the same thing, so we made some in order. And then some of the amendments that were not made in order would not have done what they said they were going to do anyway.

So we are about a rule, about a bill. If you want to vote against it, if you would rather put the appeals process of bad employees ahead of VA actual services and veterans who need it, then vote against it. But you just framed it.

Go spin that one to your local veterans service organizations who support these kinds of measures. Go spin that one to them. It is not going to work. They are not buying it. I have been there for a while.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill is not a serious proposal to reform the Department of Veterans Affairs, although we certainly know that needs to be done. I think a major bill should be in order to get that done. And the Veterans Administration is vastly overstretched and we are concerned for the safety and healing of the veterans. My personal hope is that we can get them out of the building business and just do the business of taking care of veterans' health and concerns.

We should also be voting on a bill that includes the funding that we need to address the Zika virus. The head of the Centers for Disease Control, Tom Frieden, recently warned that, ''The cupboard is bare. Basically, we are out of money and we need Congress to act.''

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up legislation that would fully fund the administration's request to address this public health crisis. This request was made more than 7 months ago to help combat the spread of this virus, when I think we would have done better to control it and accelerate research into finding a vaccine. We have, instead, just been left behind in trying to get caught up on some of that. Over that time, the virus is spreading at an alarming rate, as the range of mosquito transmission far exceeds the initial estimates. It is beyond time for us to finally act. Just today, I read that they have discovered that the Zika virus can cause brain damage to adults, not just to fetuses.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge my colleagues to vote ''no'' on ordering the previous question, the rule, and the underlying bill.

Mr. Speaker, I yield back the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I guess, as they always try to say, you start off with something positive. So I will start with positive.

I agree with the gentlewoman from New York: they need to get out of the building business. They have proved totally incompetent. I agree completely. But then let's get back to the bill. Let's get back to what we have talked about.

What is amazing to me in this whole rules debate, and I am sure will happen in the general debate on this bill, is there is going to be a lot of reasons given to vote ''no'' and to say this due process or this employee or that. But the bottom line is, when you look at the evidence, I understand we all have constituencies that have different opinions, but at the Veterans Administration there is only one constituency that matters, and that is the veteran who has served, who is to be served, and to have their dedication honored.

To actually come before this body and advocate for a bill that can't pass the Senate after it has been watered down, that can't move forward, to advocate to say that we are making every excuse in the world like, You are going to make them at-will employees at the VA—I heard this last night. No, you are not. There is still the same hiring programs. It is just that, if you do something wrong, there is going to be a process to actually remove you. Frankly, Mr. Speaker, if the Secretary at the VA can't do the things he should do, then maybe he should be removed.

At this point in time, this House and the Senate, this Congress, and even this administration, have acted. We have provided funds, we have provided resources, and we have provided direction. But you cannot continue to keep

building on a faulty foundation. If you can't get rid of the bad actors in this, if you can't have an appeals process in which somebody can get an answer in a shorter time than 3 years, there is a problem.

Here is the framing of that, Mr. Speaker. If you believe that is okay, then vote ''no'' on the previous question, vote ''no'' on the rule, and vote ''no'' on the bill. If you think the Senate can pass something, wait for them. But as they say, for such a time as this, you have a moment. It is a moment of choosing. It is a time to decide: Are we going to continue to make excuses or are we going to put the veterans first—and those veterans who actually work within the VA system, who are tired of watching others abuse it?

To actually say, again, Mr. Speaker, that you are going to harm the veterans who work for the VA by disciplining bad employees is an affront to every veteran who works at the VA, every Active Duty servicemember, every reservist and guardsman who have lived to the highest standards of honor and integrity and doing their job.

There are bad actors everywhere, even in the military; and when found, they are handled efficiently and quickly. That exists everywhere else except here.

So if you want to continue the status quo, then make speeches. If you want to move something forward and work toward a solution, then you vote ''yes'' on the previous question, you vote ''yes'' on the rule, and you vote ''yes'' on the bill.

Then you can go home to your veterans service organizations and people trying to get help and say: I tried to move something. I am actually moving for you.

Or you can go back and say: You know, I am protecting the employees and the unions and the appeals process and due process while all at the point in time our veterans are dying because they can't get services.

Easy choice, Mr. Speaker. Easy choice.

With that, I challenge my colleagues to continue to work on this issue. We can disagree, but that disagreement should never stop us from helping the veterans who need help to lower their appeals time, to get the sufficient organization that they deserve and this country deserves. Not just our veterans, but our taxpayers, the citizens who look up to this Government, they deserve a functioning, operating system that meets the needs to the highest integrity that they have been given charge to.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 859 OFFERED BY MS. SLAUGHTER

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5044) making supplemental appropriations for fiscal year 2016 to respond to Zika virus. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Appropriations and the chair and ranking minority member of the Committee on the Budget. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 5044.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. COLLINS of Georgia. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 859, if ordered; ordering the previous question on House Resolution 858; and adopting House Resolution 858, if ordered.

The vote was taken by electronic device, and there were—yeas 237, nays 170, not voting 24, as follows:

[Roll No. 498]

YEAS—237

Abraham	Carter (GA)	Ellmers (NC)
Aderholt	Carter (TX)	Emmer (MN)
Allen	Chabot	Farenthold
Amash	Chaffetz	Fitzpatrick
Amodei	Clawson (FL)	Fleischmann
Babin	Coffman	Fleming
Barletta	Cole	Flores
Barr	Collins (GA)	Forbes
Barton	Collins (NY)	Fortenberry
Benishek	Comstock	Foxx
Bilirakis	Conaway	Franks (AZ)
Bishop (MI)	Cook	Frelinghuysen
Bishop (UT)	Costello (PA)	Garrett
Black	Cramer	Gibbs
Blackburn	Crawford	Gibson
Blum	Crenshaw	Gohmert
Bost	Culberson	Goodlatte
Boustany	Curbelo (FL)	Gosar
Brady (TX)	Davidson	Gowdy
Brat	Davis, Rodney	Granger
Bridenstine	Denham	Graves (GA)
Brooks (AL)	Dent	Graves (LA)
Brooks (IN)	DeSantis	Graves (MO)
Buchanan	Diaz-Balart	Griffith
Buck	Dold	Grothman
Bucshon	Donovan	Hanna
Burgess	Duffy	Hardy
Byrne	Duncan (SC)	Harper
Calvert	Duncan (TN)	Harris

Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—170

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castro (TX)
Chu, Judy
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Scott (VA)
Scott, David
Serrano
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—24

Brady (PA)
Castor (FL)
Cicilline
Costa
DesJarlais
Duckworth
Fincher
Guinta
Guthrie
Hinojosa
Israel
Johnson, Sam
Kirkpatrick
Luján, Ben Ray (NM)
Meeks
Meng
Palazzo
Payne
Pelosi
Pompeo
Rush
Schiff
Sewell (AL)
Wagner

□ 1419

Mr. LOEBSACK and Mrs. NAPOLITANO changed their vote from ''yea'' to ''nay.''

Mr. ZINKE changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. POE of Texas). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 169, not voting 21, as follows:

[Roll No. 499]

YEAS—241

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—169

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz

Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—21

Brady (PA)
Cicilline
DesJarlais
Duckworth
Fincher
Guinta
Guthrie
Hinojosa
Israel
Johnson, Sam
Kirkpatrick
Luján, Ben Ray (NM)
Meeks
Meng
Palazzo
Payne
Pelosi
Pompeo
Rush
Schiff
Sewell (AL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1426

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3590, HALT TAX INCREASES ON THE MIDDLE CLASS AND SENIORS ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 858) providing for consideration of the bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to repeal the increase in the income threshold used in determining the deduction for medical care, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 237, nays 171, not voting 23, as follows:

[Roll No. 500]

YEAS—237

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—171

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Clark (MA)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Scott (VA)
Scott, David
Serrano
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—23

Brady (PA)
Cicilline
Clarke (NY)
DesJarlais
Duckworth
Fincher
Guinta
Guthrie
Hinojosa
Israel
Johnson, Sam
Kirkpatrick
Luján, Ben Ray (NM)
Meeks
Meng
Palazzo
Payne
Pelosi
Pompeo
Rush
Schiff
Sewell (AL)
Stivers

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1432

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. CLARKE of New York. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted: Rollcall No. 500, "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 169, not voting 23, as follows:

[Roll No. 501]

AYES—239

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy

McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—169

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—23

Brady (PA)
Cicilline
DesJarlais
Duckworth
Fincher
Guinta
Guthrie
Hinojosa
Israel
Johnson, Sam
Kirkpatrick
Luján, Ben Ray (NM)
Meeks
Meng
Palazzo
Payne
Pelosi
Pompeo
Price (NC)
Rush
Schiff
Sewell (AL)
Waters, Maxine

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1438

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall Nos. 498, 499, 500, and 501.

RESIGNATIONS AS MEMBER OF COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM AND COMMITTEE ON NATURAL RESOURCES

The SPEAKER pro tempore laid before the House the following resignations as a member of the Committee on Oversight and Government Reform and the Committee on Natural Resources:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 13, 2016.

Hon. PAUL D. RYAN,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: I, Matthew A. Cartwright, am submitting my resignation from the Committee on Oversight and Government Reform and the House Committee on Natural Resources effective immediately. It has been a privilege and honor to have served on these committees as they fought to make government more accountable, transparent, and effective and worked to protect our environment and natural resources.

I look forward to working to shape spending that can have a tremendous effect on the lives of seniors, veterans, children, students, commuters, federal workers, federal contractors, and military service personnel with my new assignment to the House Committee on Appropriations. I will be a powerful voice for a budget that invests in America, creates more good-paying jobs, and strengthens hard-working families.

Sincerely,

MATT CARTWRIGHT.

The SPEAKER pro tempore. Without objection, the resignations are accepted.

There was no objection.

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. BECERRA. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 862

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON APPROPRIATIONS.—Mr. Cartwright.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

STRENGTHENING CAREER AND TECHNICAL EDUCATION FOR THE 21ST CENTURY ACT

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5587) to reauthorize the Carl D. Perkins Career and Technical Education Act of 2006, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Strengthening Career and Technical Education for the 21st Century Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect beginning on July 1, 2017.

SEC. 5. TABLE OF CONTENTS OF THE CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006.

Section 1(b) is amended to read as follows:

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 6. PURPOSE.

Section 2 (20 U.S.C. 2301) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''academic and career and technical skills'' and inserting ''academic knowledge and technical and employability skills''; and

(B) by inserting ''and programs of study'' after ''technical education programs'';

(2) in paragraph (3), by striking '', including tech prep education''; and

(3) in paragraph (4), by inserting ''and programs of study'' after ''technical education programs''.

SEC. 7. DEFINITIONS.

Section 3 (20 U.S.C. 2302) is amended—

(1) by striking paragraphs (16), (23), (24), (25), (26), and (32);

(2) by redesignating paragraphs (8), (9), (10), (11), (12), (13), (14), (15), (17), (18), (19), (20), (21), (22), (27), (28), (29), (30), (31), (33), and (34) as paragraphs (9), (10), (13), (16), (17), (19), (20), (23), (25), (27), (28), (30), (32), (35), (39), (40), (41), (44), (45), (46), and (47), respectively;

(3) in paragraph (3)—

(A) in subparagraph (B), by striking ''5 different occupational fields to individuals'' and inserting ''3 different fields, especially in in-demand industry sectors or occupations, that are available to all students''; and

(B) in subparagraph (D), by striking ''not fewer than 5 different occupational fields'' and inserting ''not fewer than 3 different occupational fields'';

(4) in paragraph (5)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by striking ''coherent and rigorous content aligned with challenging academic standards'' and inserting ''content at the secondary level aligned with the challenging State academic standards adopted by a State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)), and at the postsecondary level with the rigorous academic content,''

(II) by striking ''and skills'' and inserting ''and skills,''; and

(III) by inserting '', including in in-demand industry sectors or occupations'' before the semicolon at the end;

(ii) in clause (ii), by striking '', an industry-recognized credential, a certificate, or an associate degree'' and inserting ''or a recognized postsecondary credential, which may include an industry-recognized credential''; and

(iii) in clause (iii), by striking ''and'' at the end;

(B) in subparagraph (B)—

(i) by inserting '', work-based, or other'' after ''competency-based'';

(ii) by striking ''contributes to the'' and inserting ''supports the development of'';

(iii) by striking the period at the end and inserting a semicolon; and

(iv) by striking ''general''; and

(C) by adding at the end the following:

''(C) to the extent practicable, coordinate between secondary and postsecondary education programs, which may include early college programs with articulation agreements, dual or concurrent enrollment program opportunities, or programs of study; and

''(D) may include career exploration at the high school level or as early as the middle grades (as such term is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).'';

(5) in paragraph (7)—

(A) in subparagraph (A), by striking ''(and parents, as appropriate)'' and inserting ''(and, as appropriate, parents and out-of-school youth)''; and

(B) in subparagraph (B), by striking ''financial aid,'' and all that follows through the period at the end and inserting ''financial aid, job training, secondary and postsecondary options (including baccalaureate degree programs), dual or concurrent enrollment programs, work-based learning opportunities, and support services.'';

(6) by inserting after paragraph (7) the following:

''(8) CAREER PATHWAYS.—The term 'career pathways' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).'';

(7) by inserting after paragraph (10) (as so redesignated by paragraph (2)) the following:

''(11) CTE CONCENTRATOR.—The term 'CTE concentrator' means—

''(A) at the secondary school level, a student served by an eligible recipient who has—

''(i) completed 3 or more career and technical education courses; or

''(ii) completed at least 2 courses in a single career and technical education program or program of study; or

''(B) at the postsecondary level, a student enrolled in an eligible recipient who has—

''(i) earned at least 12 cumulative credits within a career and technical education program or program of study; or

''(ii) completed such a program if the program encompasses fewer than 12 credits or the equivalent in total.

''(12) CTE PARTICIPANT.—The term 'CTE participant' means an individual who completes not less than 1 course or earns not less than 1 credit in a career and technical education program or program of study of an eligible recipient.'';

(8) by inserting after paragraph (13) (as so redesignated by paragraph (2)) the following:

''(14) DUAL OR CONCURRENT ENROLLMENT.—The term 'dual or concurrent enrollment' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(15) EARLY COLLEGE HIGH SCHOOL.—The term 'early college high school' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).'';

(9) by inserting after paragraph (17) (as so redesignated by paragraph (2)) the following:

''(18) ELIGIBLE ENTITY.—The term 'eligible entity' means a consortium that—

''(A) shall include at least two of the following:

''(i) a local educational agency;

''(ii) an educational service agency;

''(iii) an eligible institution;

''(iv) an area career and technical education school;

''(v) a State educational agency; or

''(vi) the Bureau of Indian Education;

''(B) may include a regional, State, or local public or private organization, including a community-based organization, one or more employers, or a qualified intermediary; and

''(C) is led by an entity or partnership of entities described in subparagraph (A).'';

(10) by amending paragraph (19) (as so redesignated by paragraph (2)) to read as follows:

''(19) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

''(A) a consortium of 2 or more of the entities described in subparagraphs (B) through (F);

''(B) a public or nonprofit private institution of higher education that offers and will use funds provided under this title in support of career and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree;

''(C) a local educational agency providing education at the postsecondary level;

''(D) an area career and technical education school providing education at the postsecondary level;

''(E) a postsecondary educational institution controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Act of April 16, 1934 (25 U.S.C. 452 et seq.); or

''(F) an educational service agency.'';

(11) by amending paragraph (20) (as so redesignated by paragraph (2)) to read as follows:

''(20) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) an eligible institution or consortium of eligible institutions eligible to receive assistance under section 132; or

''(B) a local educational agency (including a public charter school that operates as a local educational agency), an area career and technical education school, an educational service agency, or a consortium of such entities, eligible to receive assistance under section 131.'';

(12) by adding after paragraph (20) (as so redesignated by paragraph (2)) the following:

''(21) ENGLISH LEARNER.—The term 'English learner' means—

''(A) a secondary school student who is an English learner, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); or

''(B) an adult or an out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language and—

''(i) whose native language is a language other than English; or

''(ii) who lives in a family environment in which a language other than English is the dominant language.

''(22) EVIDENCE-BASED.—The term 'evidence-based' has the meaning given the term in section 8101(21)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21)(A)).'';

(13) by inserting after paragraph (23) (as so redesignated by paragraph (2)) the following:

''(24) IN-DEMAND INDUSTRY SECTOR OR OCCUPATION.—The term 'in-demand industry sector or occupation' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).'';

(14) by inserting after paragraph (25) (as so redesignated by paragraph (2)) the following:

''(26) INDUSTRY OR SECTOR PARTNERSHIP.—The term 'industry or sector partnership' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).'';

(15) by inserting after paragraph (28) (as so redesignated by paragraph (2)) the following:

''(29) LOCAL WORKFORCE DEVELOPMENT BOARD.—The term 'local workforce development board' means a local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act.'';

(16) by inserting after paragraph (30) (as so redesignated by paragraph (2)) the following:

''(31) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).'';

(17) by inserting after paragraph (32) (as so redesignated by paragraph (2)) the following:

''(33) PARAPROFESSIONAL.—The term 'paraprofessional' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(34) PAY FOR SUCCESS INITIATIVE.—The term 'pay for success initiative' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), except that such term does not include an initiative that—

''(A) reduces the special education or related services that a student would otherwise receive under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); or

''(B) otherwise reduces the rights of a student or the obligations of an entity under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), or any other law.'';

(18) by inserting after paragraph (35) (as so redesignated by paragraph (2)) the following:

''(36) PROGRAM OF STUDY.—The term 'program of study' means a coordinated, nonduplicative sequence of secondary and postsecondary academic and technical content that—

''(A) incorporates challenging State academic standards, including those adopted by a State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)), that—

''(i) address both academic and technical knowledge and skills, including employability skills; and

''(ii) are aligned with the needs of industries in the economy of the State, region, or local area;

''(B) progresses in specificity (beginning with all aspects of an industry or career cluster and leading to more occupational specific instruction);

''(C) has multiple entry and exit points that incorporate credentialing; and

''(D) culminates in the attainment of a recognized postsecondary credential.

''(37) QUALIFIED INTERMEDIARY.—The term 'qualified intermediary' means a non-profit entity that demonstrates expertise to build, connect, sustain, and measure partnerships with entities such as employers, schools, community-based organizations, postsecondary institutions, social service organizations, economic development organizations, and workforce systems to broker services, resources, and supports to youth and the organizations and systems that are designed to serve youth, including—

''(A) connecting employers to classrooms;

''(B) assisting in the design and implementation of career and technical education programs and programs of study;

''(C) delivering professional development;

''(D) connecting students to internships and other work-based learning opportunities; and

''(E) developing personalized student supports.

''(38) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).'';

(19) in paragraph (41) (as so redesignated by paragraph (2))—

(A) in subparagraph (B), by striking ''foster children'' and inserting ''youth who are in or have aged out of the foster care system'';

(B) in subparagraph (E), by striking ''and'' at the end;

(C) in subparagraph (F), by striking ''individuals with limited English proficiency.'' and inserting ''English learners;''; and

(D) by adding at the end the following:

''(G) homeless individuals described in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a); and

''(H) youth with a parent who—

''(i) is a member of the armed forces (as such term is defined in section 101(a)(4) of title 10, United States Code); and

''(ii) is on active duty (as such term is defined in section 101(d)(1) of such title).'';

(20) by inserting after paragraph (41) (as so redesignated by paragraph (2)) the following:

''(42) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term 'specialized instructional support personnel' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(43) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term 'specialized instructional support services' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).'';

(21) in paragraph (45) (as so redesignated by paragraph (2)) by inserting ''(including paraprofessionals and specialized instructional support personnel)'' after ''supportive personnel''; and

(22) by adding at the end the following:

''(48) UNIVERSAL DESIGN FOR LEARNING.—The term 'universal design for learning' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(49) WORK-BASED LEARNING.—The term 'work-based learning' means sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution that foster in-depth, first-hand engagement with the tasks required of a given career field, that are aligned to curriculum and instruction.''.

SEC. 8. TRANSITION PROVISIONS.

Section 4 (20 U.S.C. 2303) is amended—

(1) by striking ''the Secretary determines to be appropriate'' and inserting ''are necessary'';

(2) by striking ''Carl D. Perkins Career and Technical Education Improvement Act of 2006'' each place it appears and inserting ''Strengthening Career and Technical Education for the 21st Century Act''; and

(3) by striking ''1998'' and inserting ''2006''.

SEC. 9. PROHIBITIONS.

Section 8 (20 U.S.C. 2306a) is amended—

(1) in subsection (a), by striking ''Federal Government to mandate,'' and all that follows through the end and inserting ''Federal Government—

''(1) to condition or incentivize the receipt of any grant, contract, or cooperative agreement, or the receipt of any priority or preference under such grant, contract, or cooperative agreement, upon a State, local educational agency, eligible agency, eligible recipient, eligible entity, or school's adoption or implementation of specific instructional content, academic standards and assessments, curricula, or program of instruction (including any condition, priority, or preference to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards);

''(2) through grants, contracts, or other cooperative agreements, to mandate, direct, or control a State, local educational agency, eligible agency, eligible recipient, eligible entity, or school's specific instructional content, academic standards and assessments, curricula, or program of instruction (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards); and

''(3) except as required under sections 112(b), 211(b), and 223—

''(A) to mandate, direct, or control the allocation of State or local resources; or

''(B) to mandate that a State or a political subdivision of a State spend any funds or incur any costs not paid for under this Act.''; and

(2) by striking subsection (d) and redesignating subsection (e) as subsection (d).

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 9 (20 U.S.C. 2307) is amended to read as follows:

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''There are to be authorized to be appropriated to carry out this Act (other than sections 114 and 117)—

''(1) $1,133,002,074 for fiscal year 2017;

''(2) $1,148,618,465 for fiscal year 2018;

''(3) $1,164,450,099 for fiscal year 2019;

''(4) $1,180,499,945 for fiscal year 2020;

''(5) $1,196,771,008 for fiscal year 2021; and

''(6) $1,213,266,339 for fiscal year 2022.''.

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

PART A—ALLOTMENT AND ALLOCATION

SEC. 110. RESERVATIONS AND STATE ALLOTMENT.

Paragraph (5) of section 111(a) (20 U.S.C. 2321(a)) is amended—

(1) in subparagraph (A), by striking ''No State'' and inserting ''For each of fiscal years 2017, 2018, and 2019, no State'';

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A), as amended by paragraph (1), the following:

''(B) FISCAL YEAR 2020 AND EACH SUCCEEDING FISCAL YEAR.—For fiscal year 2020 and each of the succeeding fiscal years, no State shall receive an allotment under this section for a fiscal year that is less than 90 percent of the allotment the State received under this section for the preceding fiscal year.''; and

(4) in subparagraph (C), as redesignated by paragraph (2), by striking ''subparagraph (A)'' and inserting ''subparagraph (A) or (B)''.

SEC. 111. WITHIN STATE ALLOCATION.

Section 112 (20 U.S.C. 2322) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''10 percent'' and inserting ''15 percent'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''1 percent'' and inserting ''2 percent''; and

(II) by striking ''State correctional institutions and institutions'' and inserting ''State correctional institutions, juvenile justice facilities, and educational institutions''; and

(ii) in subparagraph (B), by striking ''available for services'' and inserting ''available to assist eligible recipients in providing services''; and

(C) in paragraph (3)(B), by striking ''a local plan;'' and inserting ''local applications;''; and

(2) in subsection (c), by striking ''section 135'' and all that follows through the end and inserting ''section 135—

''(1) in—

''(A) rural areas;

''(B) areas with high percentages of CTE concentrators or CTE participants; and

''(C) areas with high numbers of CTE concentrators or CTE participants; and

''(2) in order to—

''(A) foster innovation through the identification and promotion of promising and proven career and technical education programs, practices, and strategies, which may include practices and strategies that prepare individuals for nontraditional fields; or

''(B) promote the development, implementation, and adoption of programs of study or career pathways aligned with State-identified in-demand occupations or industries.''.

SEC. 112. ACCOUNTABILITY.

Section 113 (20 U.S.C. 2323) is amended—

(1) in subsection (a), by striking ''comprised of the activities'' and inserting ''comprising the activities'';

(2) in subsection (b)—

(A) in paragraph (1), by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B);

(B) in paragraph (1)(B), as so redesignated, by striking '', and State levels of performance described in paragraph (3)(B) for each additional indicator of performance''; and

(C) by striking paragraph (2) and inserting the following:

''(2) INDICATORS OF PERFORMANCE.—

''(A) CORE INDICATORS OF PERFORMANCE FOR CTE CONCENTRATORS AT THE SECONDARY LEVEL.—Each eligible agency shall identify in the State plan core indicators of performance for CTE concentrators at the secondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

''(i) The percentage of CTE concentrators who graduate high school, as measured by—

''(I) the four-year adjusted cohort graduation rate (defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); and

''(II) at the State's discretion, the extended-year adjusted cohort graduation rate defined in such section 8101 (20 U.S.C. 7801).

''(ii) CTE concentrator attainment of challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)), and measured by the academic assessments described in section 1111(b)(2) of such Act (20 U.S.C. 6311(b)(2)).

''(iii) The percentage of CTE concentrators who, in the second quarter following the program year after exiting from secondary education, are in postsecondary education or advanced training, military service, or unsubsidized employment.

''(iv) Not less than one indicator of career and technical education program quality that—

''(I) shall include, not less than one of the following—

''(aa) the percentage of CTE concentrators graduating from high school having attained recognized postsecondary credentials;

''(bb) the percentage of CTE concentrators graduating from high school having attained postsecondary credits in the relevant career and technical educational program or program of study earned through dual and concurrent enrollment or another credit transfer agreement; or

''(cc) the percentage of CTE concentrators graduating from high school having participated in work-based learning; and

''(II) may include any other measure of student success in career and technical education that is statewide, valid, and reliable.

''(v) The percentage of CTE concentrators in career and technical education programs and programs of study that lead to nontraditional fields.

''(B) CORE INDICATORS OF PERFORMANCE FOR CTE CONCENTRATORS AT THE POSTSECONDARY LEVEL.—Each eligible agency shall identify in the State plan core indicators of performance for CTE concentrators at the postsecondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

''(i) The percentage of CTE concentrators, who, during the second quarter after program completion, are in education or training activities, advanced training, or unsubsidized employment.

''(ii) The median earnings of CTE concentrators in unsubsidized employment two quarters after program completion.

''(iii) The percentage of CTE concentrators who receive a recognized postsecondary credential during participation in or within 1 year of program completion.

''(iv) The percentage of CTE concentrators in career and technical education programs and programs of study that lead to nontraditional fields.

''(C) ALIGNMENT OF PERFORMANCE INDICATORS.—In developing core indicators of performance under subparagraphs (A) and (B), an eligible agency shall, to the greatest extent possible, align the indicators so that substantially similar information gathered for other State and Federal programs, or for any other purpose, may be used to meet the requirements of this section.'';

(D) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

''(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

''(i) IN GENERAL.—Each eligible agency, with input from eligible recipients, shall establish and identify in the State plan submitted under section 122, for the first 2 program years covered by the State plan, levels of performance for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

''(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

''(II) be sufficiently ambitious to allow for meaningful evaluation of program quality.

''(ii) STATE ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third program year covered by the State plan, each eligible agency shall revise the State levels of performance for each of the core indicators of performance for the subsequent program years covered by the State plan, taking into account the extent to which such levels of performance promote meaningful program improvement on such indicators. The State adjusted levels of performance identified under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.

''(iii) REPORTING.—The eligible agency shall, for each year described in clauses (i) and (iii), publicly report and widely disseminate the State levels of performance described in this subparagraph.

''(iv) REVISIONS.—If unanticipated circumstances arise in a State, the eligible agency may revise the State adjusted levels of performance required under this subparagraph, and submit such revised levels of performance with evidence supporting the revision and demonstrating public consultation, in a manner consistent with the process described in subsections (d) and (f) of section 122.''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) ACTUAL LEVELS OF PERFORMANCE.—At the end of each program year, the eligible agency shall determine actual levels of performance on each of the core indicators of performance and publicly report and widely disseminate the actual levels of performance described in this subparagraph.''; and

(E) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i)(I), by striking ''consistent with the State levels of performance established under paragraph (3), so as'' and inserting ''consistent with the form expressed in the State levels, so as'';

(II) by striking clause (i)(II) and inserting the following:

''(II) be sufficiently ambitious to allow for meaningful evaluation of program quality.'';

(III) in clause (iv)—

(aa) by striking ''third and fifth program years'' and inserting ''third program year''; and

(bb) by striking ''corresponding'' before ''subsequent program years'';

(IV) in clause (v)—

(aa) by striking ''and'' at the end of subclause (I);

(bb) by redesignating subclause (II) as subclause (III);

(cc) by inserting after subclause (I) the following:

''(II) local economic conditions;'';

(dd) in subclause (III), as so redesignated, by striking ''promote continuous improvement on the core indicators of performance by the eligible recipient.'' and inserting ''advance the eligible recipient's accomplishments of the goals set forth in the local application; and''; and

(ee) by adding at the end the following:

''(IV) the eligible recipient's ability and capacity to collect and access valid, reliable, and cost effective data.'';

(V) in clause (vi), by inserting ''or changes occur related to improvements in data or measurement approaches,'' after ''factors described in clause (v),''; and

(VI) by adding at the end the following:

''(vii) REPORTING.—The eligible recipient shall, for each year described in clauses (iii) and (iv), publicly report the local levels of performance described in this subparagraph.'';

(ii) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(iii) in clause (ii)(I) of subparagraph (B), as so redesignated—

(I) by striking ''section 1111(h)(1)(C)(i)'' and inserting ''section 1111(h)(1)(C)(ii)''; and

(II) by striking ''section 3(29)'' and inserting ''section 3(40)''; and

(3) in subsection (c)—

(A) in the heading, by inserting ''STATE'' before ''REPORT'';

(B) in paragraph (1)(B), by striking ''information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the'' and inserting ''the''; and

(C) in paragraph (2)(A)—

(i) by striking ''categories'' and inserting ''subgroups'';

(ii) by striking ''section 1111(h)(1)(C)(i)'' and inserting ''section 1111(h)(1)(C)(ii)''; and

(iii) by striking ''section 3(29)'' and inserting ''section 3(40)''.

SEC. 113. NATIONAL ACTIVITIES.

Section 114 (20 U.S.C. 2324) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''The Secretary shall'' the first place it appears and inserting ''The Secretary shall, in consultation with the Director of the Institute for Education Sciences,''; and

(ii) by inserting ''from eligible agencies under section 113(c)'' after ''pursuant to this title''; and

(B) by striking paragraph (3);

(2) by amending subsection (b) to read as follows:

''(b) REASONABLE COST.—The Secretary shall take such action as may be necessary to secure at reasonable cost the information required by this title. To ensure reasonable cost, the Secretary, in consultation with the National Center for Education Statistics and the Office of Career, Technical, and Adult Education shall determine the methodology to be used and the frequency with which such information is to be collected.'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''may'' and inserting ''shall'';

(ii) by striking '', directly or through grants, contracts, or cooperative agreements,'' and inserting ''directly or through grants''; and

(iii) by striking ''and assessment''; and

(B) in paragraph (2)—

(i) in subparagraph (B), by inserting '', acting through the Director of the Institute for Education Sciences,'' after ''describe how the Secretary''; and

(ii) in subparagraph (C), by inserting '', in consultation with the Director of the Institute for Education Sciences,'' after ''the Secretary'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting '', acting through the Director of the Institute for Education Sciences,'' after ''The Secretary'';

(II) by inserting ''and the plan developed under subsection (c)'' after ''described in paragraph (2)''; and

(III) by striking ''assessment'' each place such term appears and inserting ''evaluation''; and

(ii) in subparagraph (B)—

(I) in clause (v), by striking ''; and'' and inserting a semicolon;

(II) in clause (vi), by striking the period at the end and inserting '', which may include individuals with expertise in addressing inequities in access to, and in opportunities for academic and technical skill attainment; and''; and

(III) by adding at the end the following:

''(vii) representatives of special populations.'';

(B) in paragraph (2)—

(i) in the heading, by striking ''AND ASSESSMENT'';

(ii) in subparagraph (A)—

(I) by inserting '', acting through the Director of the Institute for Education Sciences,'' after ''the Secretary'';

(II) by striking ''an independent evaluation and assessment'' and inserting ''a series of research and evaluation initiatives for each year for which funds are appropriated to carry out this Act, which are aligned with the plan in subsection (c)(2),'';

(III) by striking ''Carl D. Perkins Career and Technical Education Improvement Act of 2006'' and ''Strengthening Career and Technical Education for the 21st Century Act'';

(IV) by striking '', contracts, and cooperative agreements that are'' and inserting ''to institutions of higher education or a consortia of one or more institutions of higher education and one or more private nonprofit organizations or agencies''; and

(V) by adding at the end the following: ''Such evaluation shall, whenever possible, use the most recent data available.''; and

(iii) by amending subparagraph (B) to read as follows:

''(B) CONTENTS.—The evaluation required under subparagraph (A) shall include descriptions and evaluations of—

''(i) the extent and success of the integration of challenging State academic standards adopted under 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)) and career and technical education for students participating in career and technical education programs, including a review of the effect of such integration on the academic and technical proficiency achievement of such students (including the number of such students that receive a regular high school diploma, as such term is defined under section 8101 of the Elementary and Secondary Education Act of 1965 or a State-defined alternative diploma described in section 8101(25)(A)(ii)(I)(bb) of such Act (20 U.S.C. 7801(25)(A)(ii)(I)(bb)));

''(ii) the extent to which career and technical education programs and programs of study prepare students, including special populations, for subsequent employment in high-skill, high-wage occupations (including those in which mathematics and science, which may include computer science, skills are critical), or for participation in postsecondary education;

''(iii) employer involvement in, benefit from, and satisfaction with, career and technical education programs and programs of study and career and technical education students' preparation for employment;

''(iv) efforts to expand access to career and technical education programs of study for all students;

''(v) innovative approaches to work-based learning programs that increase participation and alignment with employment in high-growth industries, including in rural and low-income areas;

''(vi) the impact of the amendments to this Act made under the Strengthening Career and Technical Education for the 21st Century Act, including comparisons, where appropriate, of—

''(I) the use of the comprehensive needs assessment under section 134(b);

''(II) the implementation of programs of study; and

''(III) coordination of planning and program delivery with other relevant laws, including the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

''(vii) changes in career and technical education program accountability as described in section 113 and any effects of such changes on program delivery and program quality; and

''(viii) changes in student enrollment patterns.''; and

(iv) in subparagraph (C)—

(I) in clause (i)—

(aa) by inserting '', in consultation with the Director of the Institute for Education Sciences,'' after ''The Secretary'';

(bb) in subclause (I)—

(AA) by striking ''assessment'' and inserting ''evaluation and summary of research activities carried out under this section''; and

(BB) by striking ''2010'' and inserting ''2021''; and

(cc) in subclause (II)—

(AA) by striking ''assessment'' and inserting ''evaluation and summary of research activities carried out under this section''; and

(BB) by striking ''2011'' and inserting ''2023''; and

(II) by adding after clause (ii) the following:

''(iii) DISSEMINATION.—In addition to submitting the reports required under clause (i), the Secretary shall disseminate the results of the evaluation widely and on a timely basis in order to increase the understanding among State and local officials and educators of the effectiveness of programs and activities supported under the Act and of the career and technical education programs that are most likely to produce positive educational and employment outcomes.''; and

(C) by striking paragraphs (3), (4), and (5) and inserting the following:

''(3) INNOVATION.—

''(A) GRANT PROGRAM.—To identify and support innovative strategies and activities to improve career and technical education and align workforce skills with labor market needs as part of the plan developed under subsection (c) and the requirements of this subsection, the Secretary may award grants to eligible entities to—

''(i) create, develop, implement, or take to scale evidence-based, field initiated innovations, including through a pay for success initiative to improve student outcomes in career and technical education; and

''(ii) rigorously evaluate such innovations.

''(B) MATCHING FUNDS.—

''(i) MATCHING FUNDS REQUIRED.—Except as provided under clause (ii), to receive a grant under this paragraph, an eligible entity shall, through cash or in-kind contributions, provide matching funds from public or private sources in an amount equal to at least 50 percent of the funds provided under such grant.

''(ii) EXCEPTION.—The Secretary may waive the matching fund requirement under clause (i) if the eligible entity demonstrates exceptional circumstances.

''(C) APPLICATION.—To receive a grant under this paragraph, an eligible entity shall submit to the Secretary at such a time as the Secretary may require, an application that—

''(i) identifies and designates the agency, institution, or school responsible for the administration and supervision of the program assisted under this paragraph;

''(ii) identifies the source and amount of the matching funds required under subparagraph (B)(i);

''(iii) describes how the eligible entity will use the grant funds, including how such funds will directly benefit students, including special populations, served by the eligible entity;

''(iv) describes how the program assisted under this paragraph will be coordinated with the activities carried out under section 124 or 135;

''(v) describes how the program assisted under this paragraph aligns with the single plan described in subsection (c); and

''(vi) describes how the program assisted under this paragraph will be evaluated and how that evaluation may inform the report described in subsection (d)(2)(C).

''(D) PRIORITY.—In awarding grants under this paragraph, the Secretary shall give priority to applications from eligible entities that will predominantly serve students from low-income families.

''(E) GEOGRAPHIC DIVERSITY.—

''(i) IN GENERAL.—In awarding grants under this paragraph, the Secretary shall award no less than 25 percent of the total available funds for any fiscal year to eligible entities proposing to fund career and technical education activities that serve—

''(I) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

''(II) an institution of higher education primarily serving the one or more areas served by such a local educational agency;

''(III) a consortium of such local educational agencies or such institutions of higher education;

''(IV) a partnership between—

''(aa) an educational service agency or a nonprofit organization; and

''(bb) such a local educational agency or such an institution of higher education; or

''(V) a partnership between—

''(aa) a grant recipient described in subclause (I) or (II); and

''(bb) a State educational agency.

''(ii) EXCEPTION.—Notwithstanding clause (i), the Secretary shall reduce the amount of funds made available under such clause if the Secretary does not receive a sufficient number of applications of sufficient quality.

''(F) USES OF FUNDS.—An eligible entity that is awarded a grant under this paragraph shall use the grant funds, in a manner consistent with subparagraph (A)(i), to—

''(i) improve career and technical education outcomes of students served by eligible entities under this title;

''(ii) improve career and technical education teacher effectiveness;

''(iii) improve the transition of students from secondary education to postsecondary education or employment;

''(iv) improve the incorporation of comprehensive work-based learning into career and technical education;

''(v) increase the effective use of technology within career and technical education programs;

''(vi) support new models for integrating academic content and career and technical education content in such programs;

''(vii) support the development and enhancement of innovative delivery models for career and technical education;

''(viii) work with industry to design and implement courses or programs of study aligned to labor market needs in new or emerging fields;

''(ix) integrate science, technology, engineering, and mathematics fields, including computer science education, with career and technical education;

''(x) support innovative approaches to career and technical education by redesigning the high school experience for students, which may include evidence-based transitional support strategies for students who have not met postsecondary education eligibility requirements;

''(xi) improve CTE concentrator employment outcomes in nontraditional fields; or

''(xii) support the use of career and technical education programs and programs of study in a coordinated strategy to address identified employer needs and workforce shortages, such as shortages in the early childhood, elementary school, and secondary school education workforce.

''(G) EVALUATION.—Each eligible entity receiving a grant under this paragraph shall provide for an independent evaluation of the activities carried out using such grant and submit to the Secretary an annual report that includes—

''(i) a description of how funds received under this paragraph were used;

''(ii) the performance of the eligible entity with respect to, at a minimum, the performance indicators described under section 113, as applicable, and disaggregated by—

''(I) subgroups of students described in section 1111(c)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(2)(B));

''(II) special populations; and

''(III) as appropriate, each career and technical education program and program of study; and

''(iii) a quantitative analysis of the effectiveness of the project carried out under this paragraph.''; and

(5) by striking subsection (e) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $7,523,285 for fiscal year 2017;

''(2) $7,626,980 for fiscal year 2018;

''(3) $7,732,104 for fiscal year 2019;

''(4) $7,838,677 for fiscal year 2020;

''(5) $7,946,719 for fiscal year 2021; and

''(6) $8,056,251 for fiscal year 2022.''.

SEC. 114. ASSISTANCE FOR THE OUTLYING AREAS.

Section 115 (20 U.S.C. 2325) is amended—

(1) in subsection (a)(3), by striking ''subject to subsection (d)'' and inserting ''subject to subsection (b)'';

(2) by striking subsections (b) and (c); and

(3) by redesignating subsection (d) as subsection (b).

SEC. 115. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.

Section 117(i) (20 U.S.C. 2327(i)) is amended to read as follows:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $8,400,208 for fiscal year 2017;

''(2) $8,515,989 for fiscal year 2018;

''(3) $8,633,367 for fiscal year 2019;

''(4) $8,752,362 for fiscal year 2020;

''(5) $8,872,998 for fiscal year 2021; and

''(6) $8,995,296 for fiscal year 2022.''.

SEC. 116. OCCUPATIONAL AND EMPLOYMENT INFORMATION.

Section 118 (20 U.S.C. 2328) is repealed.

PART B—STATE PROVISIONS

SEC. 121. STATE PLAN.

Section 122 (20 U.S.C. 2342) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''6-year period'' and inserting ''4-year period''; and

(ii) by striking ''Carl D. Perkins Career and Technical Education Improvement Act of 2006'' and inserting ''Strengthening Career and Technical Education for the 21st Century Act'';

(B) in paragraph (2)(B), by striking ''6-year period'' and inserting ''4-year period''; and

(C) in paragraph (3), by striking ''(including charter school'' and all that follows through ''and community organizations)'' and inserting ''(including teachers, specialized instructional support personnel, paraprofessionals, school leaders, authorized public chartering agencies, and charter school leaders, consistent with State law, employers, labor organizations, parents, students, and community organizations)''; and

(2) by amending subsections (b), (c), (d), and (e) to read as follows:

''(b) OPTIONS FOR SUBMISSION OF STATE PLAN.—

''(1) COMBINED PLAN.—The eligible agency may submit a combined plan that meets the requirements of this section and the requirements of section 103 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3113), unless the eligible agency opts to submit a single plan under paragraph (2) and informs the Secretary of such decision.

''(2) SINGLE PLAN.—If the eligible agency elects not to submit a combined plan as described in paragraph (1), such eligible agency shall submit a single State plan.

''(c) PLAN DEVELOPMENT.—

''(1) IN GENERAL.—The eligible agency shall—

''(A) develop the State plan in consultation with—

''(i) representatives of secondary and postsecondary career and technical education programs, including eligible recipients and representatives of two-year Minority-Serving Institutions and Historically Black Colleges and Universities in States where such institutions are in existence, and charter school representatives in States where such schools are in existence, which shall include teachers, school leaders, specialized instructional support personnel (including guidance counselors), and paraprofessionals;

''(ii) interested community representatives, including parents and students;

''(iii) the State workforce development board described in section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111);

''(iv) representatives of special populations;

''(v) representatives of business and industry (including representatives of small business), which shall include representatives of industry and sector partnerships in the State, as appropriate, and representatives of labor organizations in the State;

''(vi) representatives of agencies serving out-of-school youth, homeless children and youth, and at-risk youth; and

''(vii) representatives of Indian tribes located in the State; and

''(B) consult the Governor of the State, and the heads of other State agencies with authority for career and technical education programs that are not the eligible agency, with respect to the development of the State plan.

''(2) ACTIVITIES AND PROCEDURES.—The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals and entities described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.

''(d) PLAN CONTENTS.—The State plan shall include—

''(1) a summary of State-supported workforce development activities (including education and training) in the State, including the degree to which the State's career and technical education programs and programs of study are aligned with such activities;

''(2) the State's strategic vision and set of goals for preparing an educated and skilled workforce (including special populations) and for meeting the skilled workforce needs of employers, including in-demand industry sectors and occupations as identified by the State, and how the State's career and technical education programs will help to meet these goals;

''(3) a summary of the strategic planning elements of the unified State plan required under section 102(b)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3112(b)(1)), including the elements related to system alignment under section 102(b)(2)(B) of such Act (29 U.S.C. 3112(b)(2)(B));

''(4) a description of the career and technical education programs or programs of study that will be supported, developed, or improved, including descriptions of—

''(A) the programs of study to be developed at the State level and made available for adoption by eligible recipients;

''(B) the process and criteria to be used for approving locally developed programs of study or career pathways, including how such programs address State workforce development and education needs; and

''(C) how the eligible agency will—

''(i) make information on approved programs of study and career pathways, including career exploration, work-based learning opportunities, guidance and advisement resources, available to students and parents;

''(ii) ensure nonduplication of eligible recipients' development of programs of study and career pathways;

''(iii) determine alignment of eligible recipients' programs of study to the State, regional or local economy, including in-demand fields and occupations identified by the State workforce development board as appropriate;

''(iv) provide equal access to activities assisted under this Act for special populations;

''(v) coordinate with the State workforce board to support the local development of career pathways and articulate processes by which career pathways will be developed by local workforce development boards;

''(vi) use State, regional, or local labor market data to align career and technical education with State labor market needs;

''(vii) support effective and meaningful collaboration between secondary schools, postsecondary institutions, and employers; and

''(viii) improve outcomes for CTE concentrators, including those who are members of special populations;

''(5) a description of the criteria and process for how the eligible agency will approve eligible recipients for funds under this Act, including how—

''(A) each eligible recipient will promote academic achievement;

''(B) each eligible recipient will promote skill attainment, including skill attainment that leads to a recognized postsecondary credential; and

''(C) each eligible recipient will ensure the local needs assessment under section 134 takes into consideration local economic and education needs, including where appropriate, in-demand industry sectors and occupations;

''(6) a description of how the eligible agency will support the recruitment and preparation of teachers, including special education teachers, faculty, administrators, specialized instructional support personnel, and paraprofessionals to provide career and technical education instruction, leadership, and support;

''(7) a description of how the eligible agency will use State leadership funding to meet the requirements of section 124(b);

''(8) a description of how funds received by the eligible agency through the allotment made under section 111 will be distributed—

''(A) among career and technical education at the secondary level, or career and technical education at the postsecondary and adult level, or both, including how such distribution will most effectively provide students with the skills needed to succeed in the workplace; and

''(B) among any consortia that may be formed among secondary schools and eligible institutions, and how funds will be distributed among the members of the consortia, including the rationale for such distribution and how it will most effectively provide students with the skills needed to succeed in the workplace;

''(9) a description of the procedure the eligible agency will adopt for determining State adjusted levels of performance described in section 113, which at a minimum shall include—

''(A) consultation with stakeholders identified in paragraph (1);

''(B) opportunities for the public to comment in person and in writing on the State adjusted levels of performance included in the State plan; and

''(C) submission of public comment on State adjusted levels of performance as part of the State plan; and

''(10) assurances that—

''(A) the eligible agency will comply with the requirements of this Act and the provisions of the State plan, including the provision of a financial audit of funds received under this Act, which may be included as part of an audit of other Federal or State programs;

''(B) none of the funds expended under this Act will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the acquiring entity or the employees of the acquiring entity, or any affiliate of such an organization;

''(C) the eligible agency will use the funds to promote preparation for high-skill, high-wage, or in-demand occupations and nontraditional fields, as identified by the State;

''(D) the eligible agency will use the funds provided under this Act to implement career and technical education programs and programs of study for individuals in State correctional institutions, including juvenile justice facilities; and

''(E) the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance, including technical assistance on how to close gaps in student participation and performance in career and technical education programs.

''(e) CONSULTATION.—

''(1) IN GENERAL.—The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult career and technical education, postsecondary career and technical education, and secondary career and technical education after consultation with the—

''(A) State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary career and technical education;

''(B) the State agency responsible for secondary education; and

''(C) the State agency responsible for adult education.

''(2) OBJECTIONS OF STATE AGENCIES.—If a State agency other than the eligible agency finds that a portion of the final State plan is objectionable, that objection shall be filed together with the State plan. The eligible agency shall respond to any objections of such State agency in the State plan submitted to the Secretary.

''(f) PLAN APPROVAL.—

''(1) IN GENERAL.—The Secretary shall approve a State plan, or a revision to an approved State plan, unless the Secretary determines that the State plan, or revision, respectively, does not meet the requirements of this Act.

''(2) DISAPPROVAL.—The Secretary shall—

''(A) have the authority to disapprove a State plan only if the Secretary—

''(i) determines how the State plan fails to meet the requirements of this Act; and

''(ii) immediately provides to the State, in writing, notice of such determination and the supporting information and rationale to substantiate such determination; and

''(B) not finally disapprove a State plan, except after making the determination and providing the information described in subparagraph (A) and giving the eligible agency notice and an opportunity for a hearing.

''(3) TIMEFRAME.—A State plan shall be deemed approved by the Secretary if the Secretary has not responded to the eligible agency regarding the State plan within 90 days of the date the Secretary receives the State plan.''.

SEC. 122. IMPROVEMENT PLANS.

Section 123 (20 U.S.C. 2343) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''percent of an agreed upon'' and inserting ''percent of the''; and

(ii) by striking ''appropriate agencies,'' and inserting ''appropriate State agencies,'';

(B) in paragraph (2)—

(i) by inserting ''including after implementation of the improvement plan described in paragraph (1),'' after ''purposes of this Act,''; and

(ii) by striking ''Act'' and inserting ''subsection'';

(C) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—If the eligible agency fails to make any improvement in meeting any of the State adjusted levels of performance for any of the core indicators of performance identified under paragraph (1) during the first 2 years of implementation of the improvement plan required under paragraph (1), the eligible agency—

''(i) shall revise such improvement plan to address the reasons for such failure; and

''(ii) shall continue to implement such improvement plan until the eligible agency meets at least 90 percent of the State adjusted level of performance for the same core

indicators of performance for which the plan is revised.''; and

(ii) in subparagraph (B), by striking ''sanction in'' and inserting ''requirements of''; and

(D) by striking paragraph (4);

(2) in subsection (b)—

(A) in paragraph (2), by striking ''the eligible agency, appropriate agencies, individuals, and organizations'' and inserting ''local stakeholders included in section 134(d)(1)'';

(B) in paragraph (3), by striking ''shall work with the eligible recipient to implement improvement activities consistent with the requirements of this Act.'' and inserting ''shall provide technical assistance to assist the eligible recipient in meeting its responsibilities under section 134.'';

(C) in paragraph (4)—

(i) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—If the eligible recipient fails to make any improvement in meeting any of the local adjusted levels of performance for any of the core indicators of performance identified under paragraph (2) during a number of years determined by the eligible agency, the eligible recipient—

''(i) shall revise the improvement plan described in paragraph (2) to address the reasons for such failure; and

''(ii) shall continue to implement such improvement plan until such recipient meets at least 90 percent of an agreed upon local adjusted level of performance for the same core indicators of performance for which the plan is revised.''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking ''In determining whether to impose sanctions under subparagraph (A), the'' and inserting ''The''; and

(bb) by striking ''waive imposing sanctions'' and inserting ''waive the requirements of subparagraph (A)'';

(II) in clause (i), by striking ''or'' at the end;

(III) in clause (ii), by striking the period at the end and inserting ''; or''; and

(IV) by adding at the end the following:

''(iii) in response to a public request from an eligible recipient consistent with clauses (i) and (ii).''; and

(D) by striking paragraph (5); and

(3) by adding at the end the following:

''(c) PLAN DEVELOPMENT.—Except for consultation described in subsection (b)(2), the State and local improvement plans, and the elements of such plans, required under this section shall be developed solely by the eligible agency or the eligible recipient, respectively.''.

SEC. 123. STATE LEADERSHIP ACTIVITIES.

Section 124 (20 U.S.C. 2344) is amended—

(1) in subsection (a), by striking ''shall conduct State leadership activities.'' and inserting ''shall—

''(1) conduct State leadership activities directly; and

''(2) report on the effectiveness of such use of funds in achieving the goals described in section 122(d)(2) and the State adjusted levels of performance described in section 113(b)(3)(A).'';

(2) in subsection (b)—

(A) by striking paragraphs (1) through (4) and inserting the following:

''(1) developing statewide programs of study, which may include standards, curriculum, and course development, and career exploration, guidance, and advisement activities and resources;

''(2) approving locally developed programs of study that meet the requirements established in section 122(d)(4)(B);

''(3) establishing statewide articulation agreements aligned to approved programs of study;

''(4) establishing statewide partnerships among local educational agencies, institutions of higher education, and employers, including small businesses, to develop and implement programs of study aligned to State and local economic and education needs, including as appropriate, in-demand industry sectors and occupations;''; and

(B) by striking paragraphs (6) through (9) and inserting the following:

''(6) support services for individuals in State institutions, such as State correctional institutions, including juvenile justice facilities, and educational institutions that serve individuals with disabilities;

''(7) for faculty and teachers providing career and technical education instruction, support services, and specialized instructional support services, high-quality comprehensive professional development that is, to the extent practicable, grounded in evidence-based research (to the extent a State determines that such evidence is reasonably available) that identifies the most effective educator professional development process and is coordinated and aligned with other professional development activities carried out by the State (including under title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) and title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.)), including programming that—

''(A) promotes the integration of the challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)) and relevant technical knowledge and skills;

''(B) prepares career and technical education teachers, specialized instructional support personnel, and paraprofessionals to provide appropriate accommodations for students who are members of special populations, including through the use of principles of universal design for learning; and

''(C) increases understanding of industry standards, as appropriate, for faculty providing career and technical education instruction; and

''(8) technical assistance for eligible recipients.''; and

(3) in subsection (c), by striking paragraphs (1) through (17) and inserting the following:

''(1) awarding incentive grants to eligible recipients—

''(A) for exemplary performance in carrying out programs under this Act, which awards shall be based on—

''(i) eligible recipients exceeding the local adjusted level of performance established under section 113(b)(4)(A) in a manner that reflects sustained or significant improvement;

''(ii) eligible recipients effectively developing connections between secondary education and postsecondary education and training;

''(iii) the integration of academic and technical standards;

''(iv) eligible recipients' progress in closing achievement gaps among subpopulations who participate in programs of study; or

''(v) other factors relating to the performance of eligible recipients under this Act as the eligible agency determines are appropriate; or

''(B) if an eligible recipient elects to use funds as permitted under section 135(c);

''(2) providing support for the adoption and integration of recognized postsecondary credentials or for consultation and coordination with other State agencies for the identification, consolidation, or elimination of licenses or certifications which pose an unnecessary barrier to entry for aspiring workers and provide limited consumer protection;

''(3) the creation, implementation, and support of pay-for-success initiatives leading to recognized postsecondary credentials;

''(4) support for career and technical education programs for adults and out-of-school youth concurrent with their completion of their secondary school education in a school or other educational setting;

''(5) the creation, evaluation, and support of competency-based curricula;

''(6) support for the development, implementation, and expansion of programs of study or career pathways in areas declared to be in a state of emergency under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191);

''(7) providing support for dual or concurrent enrollment programs, such as early college high schools;

''(8) improvement of career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including academic and financial aid counseling;

''(9) support for the integration of employability skills into career and technical education programs and programs of study;

''(10) support for programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science), particularly for students who are members of groups underrepresented in such subject fields, such as female students, minority students, and students who are members of special populations;

''(11) support for career and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;

''(12) support for establishing and expanding work-based learning opportunities;

''(13) support for preparing, retaining, and training of career and technical education teachers, faculty, specialized instructional support personnel, and paraprofessionals, such as preservice, professional development, and leadership development programs;

''(14) integrating and aligning programs of study and career pathways;

''(15) supporting the use of career and technical education programs and programs of study aligned with State, regional, or local in-demand industry sectors or occupations identified by State or local workforce development boards;

''(16) making all forms of instructional content widely available, which may include use of open educational resources;

''(17) support for the integration of arts and design skills, when appropriate, into career and technical education programs and programs of study; and

''(18) support for accelerated learning programs (described in section 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7114(b)(3)(A)(i)(IV)) when any such program is part of a program of study.''.

PART C—LOCAL PROVISIONS

SEC. 131. LOCAL APPLICATION FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.

Section 134 (20 U.S.C. 2354) is amended—

(1) in the section heading by striking ''**LOCAL PLAN**'' and inserting ''**LOCAL APPLICATION**'';

(2) in subsection (a)—

(A) in the heading, by striking ''LOCAL PLAN'' and inserting ''LOCAL APPLICATION'';

(B) by striking ''submit a local plan'' and inserting ''submit a local application''; and

(C) by striking ''Such local plan'' and inserting ''Such local application''; and

(3) by striking subsection (b) and inserting the following:

''(b) CONTENTS.—The eligible agency shall determine the requirements for local applications, except that each local application shall contain—

''(1) a description of the results of the comprehensive needs assessment conducted under subsection (c);

''(2) information on the programs of study approved by a State under section 124(b)(2) supported by the eligible recipient with funds under this part, including—

''(A) how the results of the comprehensive needs assessment described in subsection (c) informed the selection of the specific career and technical education programs and activities selected to be funded; and

''(B) a description of any new programs of study the eligible recipient will develop and submit to the State for approval;

''(3) a description of how the eligible recipient will provide—

''(A) career exploration and career development coursework, activities, or services;

''(B) career information; and

''(C) an organized system of career guidance and academic counseling to students before enrolling and while participating in a career and technical education program; and

''(4) a description of how the eligible recipient will—

''(A) provide activities to prepare special populations for high-skill, high-wage, or in-demand occupations that will lead to self-sufficiency; and

''(B) prepare CTE participants for non-traditional fields.

''(c) COMPREHENSIVE NEEDS ASSESSMENT.—

''(1) IN GENERAL.—To be eligible to receive financial assistance under this part, an eligible recipient shall—

''(A) conduct a comprehensive local needs assessment related to career and technical education; and

''(B) not less than once every two years, update such comprehensive local needs assessment.

''(2) REQUIREMENTS.—The comprehensive local needs assessment described under paragraph (1) shall include—

''(A) an evaluation of the performance of the students served by the eligible recipient with respect to State and local adjusted levels of performance established pursuant to section 113, including an evaluation of performance for special populations;

''(B) a description of how career and technical education programs offered by the eligible recipient are—

''(i) sufficient in size, scope, and quality to meet the needs of all students served by the eligible recipient; and

''(ii)(I) aligned to State, regional, or local in-demand industry sectors or occupations identified by the State or local workforce development board, including career pathways, where appropriate; or

''(II) designed to meet local education or economic needs not identified by State or local workforce development boards;

''(C) an evaluation of progress toward the implementation of career and technical education programs and programs of study;

''(D) an evaluation of strategies needed to overcome barriers that result in lowering rates of access to, or lowering success in, career and technical education programs for special populations, which may include strategies to establish or utilize existing flexible learning and manufacturing facilities, such as makerspaces;

''(E) a description of how the eligible recipient will improve recruitment, retention, and training of career and technical education teachers, faculty, specialized instructional support personnel, paraprofessionals, and career, academic, and guidance counselors, including individuals in groups underrepresented in such professions; and

''(F) a description of how the eligible recipient will support the transition to teaching from business and industry.

''(d) CONSULTATION.—In conducting the comprehensive needs assessment under subsection (c), an eligible recipient shall involve a diverse body of stakeholders, including, at a minimum—

''(1) representatives of career and technical education programs in a local educational agency or educational service agency, including teachers and administrators;

''(2) representatives of career and technical education programs at postsecondary educational institutions, including faculty and administrators;

''(3) representatives of State or local workforce development boards and a range of local or regional businesses or industries;

''(4) parents and students;

''(5) representatives of special populations; and

''(6) representatives of local agencies serving out-of-school youth, homeless children and youth, and at-risk youth (as defined in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472)).

''(e) CONTINUED CONSULTATION.—An eligible recipient receiving financial assistance under this part shall consult with the entities described in subsection (d) on an ongoing basis to—

''(1) provide input on annual updates to the comprehensive needs assessment required under subsection (c);

''(2) ensure programs of study are—

''(A) responsive to community employment needs;

''(B) aligned with employment priorities in the State, regional, or local economy identified by employers and the entities described in subsection (d), which may include in-demand industry sectors or occupations identified by the local workforce development board;

''(C) informed by labor market information, including information provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)(2)(C));

''(D) designed to meet current, intermediate, or long-term labor market projections; and

''(E) allow employer input, including input from industry or sector partnerships in the local area, where applicable, into the development and implementation of programs of study to ensure programs align with skills required by local employment opportunities, including activities such as the identification of relevant standards, curriculum, industry-recognized credentials, and current technology and equipment;

''(3) identify and encourage opportunities for work-based learning; and

''(4) ensure funding under this part is used in a coordinated manner with other local resources.''.

SEC. 132. LOCAL USES OF FUNDS.

Section 135 (20 U.S.C. 2355) is amended to read as follows:

''SEC. 135. LOCAL USES OF FUNDS.

''(a) GENERAL AUTHORITY.—Each eligible recipient that receives funds under this part shall use such funds to develop, coordinate, implement, or improve career and technical education programs to meet the needs identified in the comprehensive needs assessment described in section 134(c).

''(b) REQUIREMENTS FOR USES OF FUNDS.—Funds made available to eligible recipients under this part shall be used to support career and technical education programs that are of sufficient size, scope, and quality to be effective and—

''(1) provide career exploration and career development activities through an organized, systematic framework designed to aid students, before enrolling and while participating in a career and technical education program, in making informed plans and decisions about future education and career opportunities and programs of study, which may include—

''(A) introductory courses or activities focused on career exploration and career awareness;

''(B) readily available career and labor market information, including information on—

''(i) occupational supply and demand;

''(ii) educational requirements;

''(iii) other information on careers aligned to State or local economic priorities; and

''(iv) employment sectors;

''(C) programs and activities related to the development of student graduation and career plans;

''(D) career guidance and academic counselors that provide information on postsecondary education and career options; or

''(E) any other activity that advances knowledge of career opportunities and assists students in making informed decisions about future education and employment goals;

''(2) provide professional development for teachers, principals, school leaders, administrators, faculty, and career and guidance counselors with respect to content and pedagogy that—

''(A) supports individualized academic and career and technical education instructional approaches, including the integration of academic and career and technical education standards and curriculum;

''(B) ensures labor market information is used to inform the programs, guidance, and advisement offered to students;

''(C) provides educators with opportunities to advance knowledge, skills, and understanding of all aspects of an industry, including the latest workplace equipment, technologies, standards, and credentials;

''(D) supports administrators in managing career and technical education programs in the schools, institutions, or local educational agencies of such administrators;

''(E) supports the implementation of strategies to improve student achievement and close gaps in student participation and performance in career and technical education programs; and

''(F) provides educators with opportunities to advance knowledge, skills, and understanding in pedagogical practices, including, to the extent the eligible recipient determines that such evidence is reasonably available, evidence-based pedagogical practices;

''(3) provide career and technical education students, including special populations, with the skills necessary to pursue high-skill, high-wage occupations;

''(4) support integration of academic skills into career and technical education programs and programs of study to support CTE participants at the secondary school level in meeting the challenging State academic standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)) by the State in which the eligible recipient is located;

''(5) plan and carry out elements that support the implementation of career and technical education programs and programs of study and student achievement of the local adjusted levels of performance established under section 113, which may include—

''(A) curriculum aligned with the requirements for a program of study;

''(B) sustainable relationships among education, business and industry, and other community stakeholders, including industry or sector partnerships in the local area,

where applicable, that are designed to facilitate the process of continuously updating and aligning programs of study with skills in demand in the State, regional, or local economy;

''(C) dual or concurrent enrollment programs, including early college high schools, and the development or implementation of articulation agreements;

''(D) appropriate equipment, technology, and instructional materials (including support for library resources) aligned with business and industry needs, including machinery, testing equipment, tools, implements, hardware and software, and other new and emerging instructional materials;

''(E) a continuum of work-based learning opportunities;

''(F) industry-recognized certification exams or other assessments leading toward industry-recognized postsecondary credentials;

''(G) efforts to recruit and retain career and technical education program administrators and educators;

''(H) where applicable, coordination with other education and workforce development programs and initiatives, including career pathways and sector partnerships developed under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and other Federal laws and initiatives that provide students with transition-related services, including the Individuals with Disabilities Education Act (20 U.S.C.1400 et seq.);

''(I) expanding opportunities for students to participate in distance career and technical education and blended-learning programs;

''(J) expanding opportunities for students to participate in competency-based education programs;

''(K) improving career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including academic and financial aid counseling;

''(L) supporting the integration of employability skills into career and technical education programs and programs of study;

''(M) supporting programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science) for students who are members of groups underrepresented in such subject fields;

''(N) providing career and technical education, in a school or other educational setting, for adults or a school-aged individual who has dropped out of a secondary school to complete secondary school education or upgrade technical skills;

''(O) career and technical student organizations, including student preparation for and participation in technical skills competitions aligned with career and technical education program standards and curriculum;

''(P) making all forms of instructional content widely available, which may include use of open educational resources;

''(Q) supporting the integration of arts and design skills, when appropriate, into career and technical education programs and programs of study;

''(R) where appropriate, expanding opportunities for CTE concentrators to participate in accelerated learning programs (described in section 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7114(b)(3)(A)(i)(IV)) as part of a program of study; and

''(S) other activities to improve career and technical education programs; and

''(6) develop and implement evaluations of the activities carried out with funds under this part, including evaluations necessary to complete the comprehensive needs assessment required under section 134(c) and the local report required under section 113(b)(4)(C).

''(c) POOLING FUNDS.—An eligible recipient may pool a portion of funds received under this Act with a portion of funds received under this Act available to not less than 1 other eligible recipient to support implementation of programs of study through the activities described in subsection (b)(2).

''(d) ADMINISTRATIVE COSTS.—Each eligible recipient receiving funds under this part shall not use more than 5 percent of such funds for costs associated with the administration of activities under this section.''.

TITLE II—GENERAL PROVISIONS

SEC. 201. FEDERAL AND STATE ADMINISTRATIVE PROVISIONS.

The Act (20 U.S.C. 2301 et seq.) is amended—

(1) in section 311(b)—

(A) in paragraph (1)—

(i) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), or (D), in order for a State to receive its full allotment of funds under this Act for any fiscal year, the Secretary must find that the State's fiscal effort per student, or the aggregate expenditures of such State, with respect to career and technical education for the preceding fiscal year was not less than the fiscal effort per student, or the aggregate expenditures of such State, for the second preceding fiscal year.'';

(ii) in subparagraph (B), by striking ''shall exclude capital expenditures, special 1-time project costs, and the cost of pilot programs.'' and inserting ''shall, at the request of the State, exclude competitive or incentive-based programs established by the State, capital expenditures, special one-time project costs, and the cost of pilot programs.''; and

(iii) by adding after subparagraph (C), the following new subparagraph:

''(D) ESTABLISHING THE STATE BASELINE.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the State may—

''(I) continue to use the State's fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education, as was in effect on the day before the date of enactment of the Strengthening Career and Technical Education for the 21st Century Act; or

''(II) establish a new level of fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education.

''(ii) AMOUNT.—The amount of the new level described in clause (i)(II) shall be the State's fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education, for the first full fiscal year following the enactment of such Act.''; and

(B) by striking paragraph (2) and inserting the following:

''(2) FAILURE TO MEET.—The Secretary shall reduce the amount of a State's allotment of funds under this Act for any fiscal year in the exact proportion by which the State fails to meet the requirement of paragraph (1) by falling below the State's fiscal effort per student or the State's aggregate expenditures (using the measure most favorable to the State), if the State failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

''(3) WAIVER.—The Secretary may waive paragraph (2) due to exceptional or uncontrollable circumstances affecting the ability of the State to meet the requirement of paragraph (1).'';

(2) in section 317(b)(1)—

(A) by striking ''may, upon written request, use funds made available under this Act to'' and inserting ''may use funds made available under this Act to''; and

(B) by striking ''who reside in the geographical area served by'' and inserting ''located in or near the geographical area served by'';

(3) by striking title II and redesignating title III as title II;

(4) by redesignating sections 311 through 318 as sections 211 through 218, respectively;

(5) by redesignating sections 321 through 324 as sections 221 through 224, respectively; and

(6) by inserting after section 218 (as so redesignated) the following:

''SEC. 219. STUDY ON PROGRAMS OF STUDY ALIGNED TO HIGH-SKILL, HIGH-WAGE OCCUPATIONS.

''(a) SCOPE OF STUDY.—The Comptroller General of the United States shall conduct a study to evaluate—

''(1) the strategies, components, policies, and practices used by eligible agencies or eligible recipients receiving funding under this Act to successfully assist—

''(A) all students in pursuing and completing programs of study aligned to high-skill, high-wage occupations; and

''(B) any specific subgroup of students identified in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(ii)) in pursuing and completing programs of study aligned to high-skill, high-wage occupations in fields in which such subgroup is underrepresented; and

''(2) any challenges associated with replication of such strategies, components, policies, and practices.

''(b) CONSULTATION.—In carrying out the study conducted under subsection (a), the Comptroller General of the United States shall consult with a geographically diverse (including urban, suburban, and rural) representation of—

''(1) students and parents;

''(2) eligible agencies and eligible recipients;

''(3) teachers, faculty, specialized instructional support personnel, and paraprofessionals, including those with expertise in preparing CTE students for nontraditional fields;

''(4) special populations; and

''(5) representatives of business and industry.

''(c) SUBMISSION.—Upon completion, the Comptroller General of the United States shall submit the study conducted under subsection (a) to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.''.

TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT

SEC. 301. STATE RESPONSIBILITIES.

Section 15(e)(2) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)(2)) is amended—

(1) by striking subparagraph (B) and inserting the following:

''(B) consult with eligible agencies (defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)), State educational agencies, and local educational agencies concerning the provision of workforce and labor market information in order to—

''(i) meet the needs of secondary school and postsecondary school students who seek such information; and

''(ii) annually inform the development and implementation of programs of study defined in section 3 of the Carl D. Perkins Career and

Technical Education Act of 2006 (20 U.S.C. 2302), and career pathways;'';

(2) in subparagraph (G), by striking ''and'' at the end;

(3) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(4) by inserting after subparagraph (H) the following new subparagraph:

''(I) provide, on an annual and timely basis to each eligible agency (defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)), the data and information described in subparagraphs (A) and (B) of subsection (a)(1).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. THOMPSON) and the gentlewoman from Massachusetts (Ms. CLARK) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 5587.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5587.

Mr. Speaker, a weak economy and advances in technology have dramatically changed today's job market, creating both challenges and opportunities for men and women entering the workforce. This is why equipping today's students with the tools they need to remain competitive is essential. One way we can achieve that goal is by strengthening career and technical education programs for those eager to pursue pathways to success.

As cochair of the Career and Technical Education Caucus, I have worked hard to increase awareness about the opportunities available through CTE. For some students, a four-year college is the best path forward. For others, a CTE program might be the best way to shape a fulfilling and successful future, Mr. Speaker.

These State and local programs help individuals obtain the knowledge and skills they need to be successful in a number of different occupations and fields—fields like health care, technology, agriculture, and engineering.

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However, the law that provides Federal support for these programs has not been updated in more than a decade. Simply put, it does not address the new challenges today's students, workers, and employers face.

That is why I, along with my colleague from Massachusetts, Representative KATHERINE CLARK, introduced H.R. 5587, a bill that works to modernize and improve current law to better reflect those challenges and provide more opportunities for students to pursue successful, rewarding careers.

Recognizing the importance of engagement with community leaders and local businesses, this bill empowers State and local leaders by providing them with the flexibility they need to best prepare their students for the workforce and to respond to the changing needs of their communities. H.R. 5587 also promotes work-based learning and encourages stronger partnerships with employers to help students obtain jobs now and throughout their lifetimes.

I am also proud to say H.R. 5587 takes steps to reduce the Federal role in career and technical education, while ensuring transparency and accountability amongst CTE programs. By streamlining performance measures, the bill provides State and local leaders—rather than the Federal Government—with the tools they need to hold these programs accountable.

These are just some of the important reforms this bill makes to provide Americans with clear pathways to success.

Mr. Speaker, I would be remiss not to thank a few people who have made this bill possible: Chairman KLINE and his staff, in particular, James Redstone; Ranking Member SCOTT and his staff; Sam Morgante with Mr. LANGEVIN's office; and Katie Brown of my staff.

Both Sam and Katie have taken the lead staffing the Career and Technical Education Caucus, each providing tireless advocacy for the policies included in this bill. They have my deep appreciation for their hard work.

I urge my colleagues to support H.R. 5587 and help us take a positive step towards reforming and strengthening career and technical education training in America.

Mr. Speaker, I reserve the balance of my time.

Ms. CLARK of Massachusetts. I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 5587, the Strengthening Career and Technical Education for the 21st Century Act, legislation that I am proud to introduce with the gentleman from Pennsylvania (Mr. THOMPSON), as well as Representatives LANGEVIN, NOLAN, CURBELO, and BYRNE, and with the support of the House Education and the Workforce Committee ranking member, Mr. SCOTT, and our chairman, Mr. KLINE.

The bill before us is proof that Democrats and Republicans can come together and do the right thing for America's students, workers, and employers.

The Perkins Career and Technical Education program reaches over 11 million American students across the country each year; and for the first time in 10 years, this legislation will comprehensively update the program, overhauling how government invests in our workforce and strengthens American competitiveness through job skills training. This bill will help families by preparing them with the skills they need to thrive in high-demand fields as diverse as child care, advanced manufacturing, carpentry, computer science, automotive technology, culinary arts, and more.

This legislation is supported by over 200 leading national organizations, including educators, trade groups, and major employers across the country.

It was reported by the House Education and the Workforce Committee without a single dissenting vote, which I think reflects the bipartisan, good faith process by which we came together to draft and introduce this bill.

Specifically, I am pleased this legislation takes steps to help policymakers measure what does and does not work in career and technical education, allowing us to build on our past successes. It ensures our career and technical education programs are aligned with the needs of high-demand growth industries in order to make sure that America is competitive globally. It also supports our work-based learning and apprenticeships. It directly supports our early education and childcare workforce and brings the Perkins program into the modern 21st century global economy.

I am very pleased to have this bill on the floor today. I urge its passage.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. WALBERG), the chairman of the Workforce Protections Subcommittee.

Mr. WALBERG. Mr. Speaker, I rise in support of H.R. 5587, which will help people in Michigan and across the country find meaningful careers in the 21st century workforce by updating our career and technical education programs.

As I met with students, teachers, and employers in my district, I have heard consistent support for improving CTE. I know how important it is to modernize this program for today's jobs, from touring places like Southern Michigan Center for Science and Industry in Hudson, Michigan; the Jackson Area Career Center in Jackson, Michigan; Monroe County Community College; and many more.

We know that not everyone's path to success in the workplace is the same and, while many students pursue degrees at colleges and universities, many others know their sweet spot lies somewhere else. Career and technical education provides those individuals that opportunity and ensures our aspiring workforce is getting the hands-on training they need and they want.

I am particularly pleased that this bill includes my provisions to address outdated and burdensome occupational licensure requirements which can come at the expense of lower income workers, young people, and entrepreneurs who lack the resources to overcome regulatory obstacles.

According to the National Bureau of Economic Research, nearly 1 in 3 jobs now require a State-approved license or certification; in 1950, it was 1 in 20.

This bill will help create pathways to careers by encouraging States to review their regulatory climate and ensure it does not create unnecessary barriers for job growth.

I commend the authors of this bill, and I am proud that it emerged from our committee on a unanimous 37–0 vote.

I hope my colleagues will vote in support of this bipartisan legislation and work together to help every American pursue their personal paths to the American Dream.

Ms. CLARK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), the distinguished ranking member of our committee.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of H.R. 5587, the Strengthening CTE for the 21st Century Act, which would reauthorize the Perkins Career and Technical Education program.

The research is clear: the United States workforce is suffering from a skills gap. According to one study, 65 percent of all jobs in the United States in the near future will require at least some education or training past the high school level—not necessarily a 4-year degree, but some education and training past the high school level. In Virginia alone, we have thousands of jobs in the tech sector that go unfilled because of the lack of qualified applicants. Some of those jobs have salaries of $88,000.

Today's CTE program is not the vocational education of the past, where students pursued a career rather than academic studies. Now the current programs integrate the academic curriculum which will assist in preparing participants for postsecondary education and credentials.

Mr. Speaker, people in the future will have to learn a new job; but if they don't have the academic background, we will be doing them a great disservice. This bill will allow students to pursue a career track; and if they change their mind later on, they are still getting the academics. They can go to a college-ready program.

We need to make sure that we have greater accountability for program quality. We want to ensure that we have more inclusive collaboration between educational institutions, industries, employers, and community partners. And we need to make sure that those programs are aligned with our recent K through 12 education and workforce systems.

I would like to thank all of the people who have been involved in this, particularly the gentlewoman from Massachusetts (Ms. CLARK) and the gentleman from Pennsylvania (Mr. THOMPSON), along with Mr. LANGEVIN from Rhode Island, who is the chair of the CTE Caucus, and all of the others who have worked across the aisle to bring us together today.

This bill, as has been pointed out, has been reported unanimously from the Education and the Workforce Committee, has strong support across the aisle, and I trust that we will pass it. I hope the Senate will take it up as soon as possible.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Alabama (Mr. BYRNE).

Mr. BYRNE. I thank the gentleman for yielding.

Mr. Speaker, earlier this summer, I had the opportunity to visit the new career and technical education classrooms at Saraland High School. From welding to engineering to IT, these programs are going to make a real difference, and I was so impressed to see CTE getting the attention it deserves.

You see, for too long, we have devalued the importance of career and technical education here in America. The programs were seen as some sort of second-rate option for students who couldn't make it otherwise. That simply isn't the case.

Instead, CTE programs offer real opportunities to students of all ages and from all backgrounds. With this bill, we are making it clear that career and technical education is a critical educational option that leads to good-paying jobs.

This bill makes important reforms to our CTE programs, with a special emphasis on ensuring the programs focus on in-demand skill areas in order to close the skills gap and boost economic growth.

This is a truly bipartisan, reform-oriented bill that deserves our strongest support, and I urge all my colleagues to join me in voting in favor of this legislation.

Ms. CLARK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), without whose leadership and expertise this legislation wouldn't be in the wonderful form that it is today, and we are very grateful for his role.

Mr. LANGEVIN. Mr. Speaker, I thank the gentlewoman from Massachusetts for yielding and for her outstanding leadership on reauthorizing the Carl D. Perkins Career and Technical Education Act. I am certainly pleased to join with five other bipartisan colleagues as original cosponsors of this bill.

I would also, in particular, like to thank my friend and colleague, Representative G.T. Thompson of Pennsylvania, for his unwavering commitment to expanding CTE. As co-chairs of the Career and Technical Education Caucus, Representative THOMPSON and I have made Perkins reauthorization our top priority; and today it is the culmination of over 4 years of our work on the caucus together. I want to thank him and both his staff and my staff for their extraordinary efforts.

We should also, of course, recognize everything that Chairman KLINE, Ranking Member SCOTT, and their staffs did to get this bill to the floor today.

Perkins has historically been a bipartisan bill, and we are all very happy to continue this tradition. H.R. 5587 was passed unanimously by the Education and the Workforce Committee and is the product of an inclusive and thoughtful process. Again, it passed unanimously. When does that happen, ever, it seems, these days in this Congress? This is extraordinary.

The bill makes many necessary updates to Perkins, with an emphasis on training students for the skills they will need in high-growth sectors in the 21st century economy. I am particularly pleased that it emphasizes the role of school counselors in helping students choose their career path, incorporating ideas from my Counseling for Career Choice Act. By equipping counselors with local labor market information, they can better help students choose the field that best fits their skills and interests and will ultimately lead to a good-paying job.

The bill also expands student access to work-based learning opportunities. This will help students to bridge the gap between classroom theory and workplace practice and align skills and training with employer needs.

Providing workers with the skills necessary to thrive in the modern economy is essential to our economic prosperity. I urge all of my colleagues to support this bill and the Senate to quickly take up this bipartisan legislation.

Again, I thank all of my colleagues who were involved in this effort and the staff for bringing this bill to the floor today.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, it is my pleasure to take a point of personal privilege just as a chance to recognize Chairman KLINE of the Education and the Workforce Committee and to thank him for his leadership in education, for truly making a difference in the lives of our youth and, quite frankly, people of all ages, like with this piece of legislation. I very much appreciate his leadership.

So it is my honor to yield 2 minutes to the gentleman from Minnesota (Mr. KLINE), the chairman of the Education and the Workforce Committee.

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Mr. KLINE. Mr. Speaker, I thank the gentleman from Pennsylvania for his leadership on this issue and for yielding the time.

Mr. Speaker, I rise today in strong support of the Strengthening Career and Technical Education for the 21st Century Act.

A quality education is vital to succeeding in today's workforce. However, it is important to know that a quality education doesn't have to mean a 4-year college degree. Career and technical education can be just as valuable, and, for many individuals, it is the path that is best for them.

Earlier this year, members on the Education and the Workforce Committee heard from Paul Tse. Paul

struggled as a student, but his life changed when he enrolled in a CTE program at the Thomas Edison High School of Technology in Silver Spring, Maryland. Today, he has a fulfilling career and not a dime—Mr. Speaker, not a dime—of student loan debt. There are countless other success stories just like Paul's.

The CTE classes Rob Griffin took as a high school student in Whitfield County, Georgia, prepared him for a successful career at one of the Nation's leading steel fabricators.

The hands-on experience Alex Wolff received at the Santa Barbara County Regional Occupational Program led to a rewarding career in electrical engineering. And Jasmine Morgan from the Atlanta area found her passion through CTE coursework and landed a job as a sports marketing specialist.

The goal of this legislation is to help more individuals write their own success stories. This bipartisan legislation will empower State and local leaders to tailor CTE programs to serve the best interests of the students in their communities. It will improve transparency and accountability, as well as ensure Federal resources are aligned with the needs of the local workforce and help students obtain high-skilled, high-demand jobs.

These positive reforms are an important part of our broader agenda, A Better Way, which is aimed at helping more men and women achieve a lifetime of success.

I want to thank Representatives GLENN THOMPSON and KATHERINE CLARK for their leadership.

I urge my colleagues to support this legislation.

Ms. CLARK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. NOLAN). I thank him for his leadership on CTE and all his work for the students and employers of his district and our country.

Mr. NOLAN. Mr. Speaker, I would like to begin by recognizing my distinguished colleague from Minnesota (Mr. KLINE) for the great leadership that he has provided as the chairman of the Committee on Education and the Workforce. Make no mistake about it, our educational opportunities and future are brighter for you having chaired that committee and served in this Chamber. We all owe you a great debt of gratitude and wish you well in your future going forward. The greatest tribute I think that anyone can receive is that we served well and we made a difference. You have done that, and we thank you for that.

I would be remiss if I didn't also thank Ranking Member SCOTT for his great work in this area. I also thank Mr. THOMPSON of Pennsylvania, Ms. CLARK of Massachusetts, and the other original cosponsors for their hard work.

Mr. Speaker, I rise in support of this critically important bipartisan reauthorization of the Perkins Career and Technical Education Act.

Time and again, when I visit with owners and managers of manufacturing facilities throughout my northern Minnesota district, I am told two things. The first is that the employees they have hired who have participated in career and technical education programs are the very best that they have in their employment. Employers can't say enough good things about them and their skills and the work that they do.

The second point is that they need more CTE-trained people. All down the line, from health care, to construction, to information technology, to transportation, to aviation—and the list goes on—good-paying jobs with living wages are waiting for these people.

So this bill adds important new provisions to expand and update CTE so jobs can be filled. States get more flexibility to focus on the jobs and careers in high demand within their regions. Employers and communities get the tools they need to develop stronger partnerships to engage students and grow our local economies. And students get the tools that they need to compete and succeed in the 21st century. That is what this bill is all about.

It's all about more good jobs.

More great opportunities to learn and gain valuable skills and knowledge.

And—More dynamic growth for an economy in need of the best, most skilled workers America can provide.

I urge our colleagues in the Senate to join the House in supporting this critical and important program and act swiftly to take up and pass this legislation.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, it is my honor to recognize the chairman of the Subcommittee on Early Childhood, Elementary, and Secondary Education that has jurisdiction on this bill. I yield 2 minutes to the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. Well, I thank the gentleman from Pennsylvania for his kind words. He is a dear friend. I have looked forward to our work together so far and into the future.

Mr. Speaker, I have been to probably a hundred schools in my time in public service. I have seen the best of schools, and I have seen the worst of schools. The one thing that I am seeing more and more, not only in our K–12 schools but in others after that, is the need for career and technical education and the need for reform in that area.

Now, Mr. Speaker, I am not talking about the shop class of old or anything like that. In fact, what we are seeing now is a completely different model.

As Indiana's Governor Pence cited in a congressional hearing last year, today's CTE, today's career and technical education, is not about, if not plan A, then plan B. It is about having two plan As. And that is exactly what today's CTE courses are bringing to the forefront.

Technological advances are constantly changing the kinds of jobs that are available, as well as the skills needed to succeed in those careers. That is why career and technical education is so important. It provides opportunities for students to gain those specific skills and prepare them to navigate the changing workforce.

Now, through a number of commonsense measures, Mr. Speaker, this bill is delivering the reforms that will provide the flexibility to State and local leaders to meet those unique local needs, build stronger engagement with employers, and ensure that CTE programs are delivering results. So I thank Representatives THOMPSON and CLARK for working together to move this bill forward.

I urge my colleagues to support this bipartisan bill and help more people gain the skills and hands-on experience that are critical to succeeding in today's workforce.

Ms. CLARK of Massachusetts. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, I rise in strong support of H.R. 5587, which addresses the most urgent workforce challenge in our Nation by updating and strengthening career and technical education programs at the secondary education level.

First, the good news. All across the country, there is an exciting and growing need for trade and technical skills to fill jobs that young people can build a career and life around. Advanced manufacturing opportunities in aerospace, maritime, and even health care are happening from coast to coast. And the question of the day for many employers is whether our education and job training systems are ready to fill the need.

Recent updates to K–12 and job training programs signed into law by President Obama in 2014 and 2015 built a positive platform to address this challenge, and passage of this bill for technical programs will add to that capability.

In southeastern Connecticut where I hail from, the U.S. Navy's demand signal for new Virginia class and Columbia class submarines is projected to require up to 14,000 new hires in metal trades, design, and engineering over the next 10 years. For my region, passage of this bill is not just feel-good legislation but a critical, existential requirement.

I strongly urge passage of this bill and swift concurrence by the Senate.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. ROE), a classmate of mine and also another leader in the Education and the Workforce Committee and the chairman of the Subcommittee on Health, Employment, Labor, and Pensions.

Mr. ROE of Tennessee. Mr. Speaker, I rise today to encourage my colleagues to support H.R. 5587, the Strengthening Career and Technical Education for the 21st Century Act. CTE programs are designed to prepare high school students and community college students

for the workforce. However, the laws supporting these efforts have not been updated in over a decade.

In my district, I often hear from businessowners, employers, administrators, and students who all tell me about the need for quality education and training necessary in today's workplace. Just as the one-size-fits-all approach doesn't work for health care, it will not work for education and workforce training. Each State, school district, and student is different. Local administrators, teachers, and employers—not the Federal Government—should have these decisionmaking powers.

Congress has worked to improve K–12 education and modernize the Nation's workforce development system, and this bill continues to build on that progress. The recession may have ended in 2009, Mr. Speaker, but too many people are still struggling to make ends meet. We can do better.

I encourage my colleagues to support H.R. 5587.

Ms. CLARK of Massachusetts. Mr. Speaker, I yield 1½ minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Speaker, I rise in support of H.R. 5587, the Strengthening Career and Technical Education for the 21st Century Act.

A few weeks ago, I got to visit the new Pathways in Technology Early College, P-TECH, program at Skyline High School in Colorado in the St. Vrain Valley School District. P-TECH is a partnership between the St. Vrain Valley School District, Front Range Community College, IBM, and other employers. It allows students to earn a high school diploma and associate's degree in 4 or 5 years.

I spoke with a number of students participating in the very first P-TECH class, and they shared with me how this program will equip them with the skills they need to get good, reliable jobs after graduation. That is the kind of innovation Congress should be supporting, and this bill allows for that.

The bill also allows funds to be used for open access education resources. Open access education resources and open access textbooks are openly licensed, free to use, and often come with more flexibility than traditional or commercial textbooks. Throughout this country, open education resources are gaining popularity, save resources, and maintain high quality standards.

Last year, Congress recognized the cost-saving potential and flexibility of open education resources at the K–12 level in the Every Student Succeeds Act. I am very excited that support for open education resources continues in this bill.

I urge this bill's final passage today, and I call on my colleagues in the Senate to take up this bipartisan legislation as soon as possible.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Speaker, I rise today in support of H.R. 5587, the Strengthening Career and Technical Education for the 21st Century Act, and the benefit and opportunities it will provide for those looking to enter the job market.

We have an opportunity to get rid of the stigma of this vocation path and bring to light the benefits of career and technical education. This bill overhauls the system to bring the decisionmaking down to the State and local leaders. It more closely accounts for changes in the job market. It increases the input from groups such as students and business leaders.

This legislation empowers leaders from our States and communities by reducing the paperwork for local education providers and streamlines the requirements process. It supports closer partnerships with employers, who know the needs of the workplace, and puts in place accountability benchmarks to ensure that these programs on the secondary level are delivering the training and results they are supposed to be providing to students.

This bill also allows States and local authorities to develop a curriculum they know that works for their students and for their communities.

I applaud the gentleman from Pennsylvania (Mr. THOMPSON) and the Education and the Workforce Committee for their hard work and diligence in addressing this matter.

I urge my colleagues to support this bill.

Ms. CLARK of Massachusetts. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Mr. Speaker, I enthusiastically support the Strengthening Career and Technical Education for the 21st Century Act.

When I visit communities in Oregon, I hear from business leaders, educators, and students about how hands-on career and technical education programs engage them and prepare them for success after high school, regardless of what path they take.

This CTE legislation authorizes needed increases in funding for CTE programs and takes important steps to help more students excel in school and in the workforce.

The bill will improve participation among historically underserved students, bring needed input from key stakeholders, including parents and industry groups, and help students learn employability skills as well as technical skills.

I thank my friend and colleague from New York, the co-chair of the STEAM Caucus, Congresswoman STEFANIK, for working with me to include an amendment that promotes arts and design education, which is increasingly in high demand in numerous industry sectors that value innovation. I thank Chairman KLINE, Ranking Member SCOTT, and Representatives CLARK and THOMPSON for their leadership and commitment to improving CTE programs.

I ask my colleagues to join me in approving this legislation and call on the Senate to quickly take action.

□ 1515

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I am now pleased to yield 1 minute to the gentlewoman from North Carolina (Ms. FOXX), also a leader on the Committee on Education and the Workforce. She serves as our chair of the Subcommittee on Higher Education and Workforce Training.

Ms. FOXX. Mr. Speaker, I thank my colleague from Pennsylvania for yielding to me and for the work that he has done on this important bill.

Mr. Speaker, the Carl D. Perkins Career and Technical Education Act has provided Federal support to State and local career and technical education programs for more than 30 years. But for far too long there has been a discrepancy in what students are learning in the classroom and what employers say they need in the workplace.

H.R. 5587 updates the law to reflect today's economic needs and the challenges that students and workers currently face. This bipartisan bill goes a long way toward ensuring that individuals who pursue a technical education have the knowledge and skills they need to succeed.

Educational success is about more than just a degree. It is about preparing students for a satisfying life and teaching them the quantifiable skills that employers need in their employees. The Strengthening Career and Technical Education for the 21st Century Act will help students reach those goals. I encourage my colleagues to support this important legislation.

Ms. CLARK of Massachusetts. Mr. Speaker, I am pleased to yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, career technical education answers the call that we hear from industry and from students alike to train students in fields where high-quality jobs are available. We know that means both equity and quality. Equity, of course, we know because every individual, every man, every woman, people of color, the disabled, all of the groups need to have equal access to a promising education and successful career.

The reality is that we can't fix a problem that we can't see. So we have to have the data. We have to have the ability to know what we are looking at. But it is equally important to make sure that CTE programs deliver in terms of quality.

So how do we do that?

I am excited that this bill places an emphasis on teachers getting opportunities to advance their knowledge and skills. Teachers need support and training from industry leaders so that they can take their knowledge back to students.

The flow of relevant information between industry, between teachers and students has to be highlighted and strengthened. When teachers have direct field experience, they are better able to enthusiastically relate accurate and timely industry practices to their

students, and that makes for stronger professional development for teachers, and that will trickle down to our students.

Successful CTE programs will close the skills gap that undermines our productivity today. I urge my colleagues in the Senate to take up and pass this overwhelmingly bipartisan legislation.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I thank Chairman GLENN THOMPSON for yielding.

I am grateful to support the Strengthening Career and Technical Education for the 21st Century Act. Whether I am visiting one of the remarkable schools in South Carolina's technical education system of Aiken, Midlands, Orangeburg-Calhoun, or a local manufacturing facility, the message is the same: the job market is changing rapidly. Quality education is vital to competing, which is why apprenticeship programs are so important in leading to the success of BMW, MTU, AGY, SRS, Michelin, Bridgestone, Boeing, and soon Volvo in South Carolina.

While existing technical education, which was established by Fritz Hollings and Floyd Spence, has played a role in creating jobs, existing legislation has not been updated for the last 10 years.

This bill serves as a first step to reforming technical education programs by helping all Americans enter the workforce for high-skilled, in-demand jobs. Some reforms include empowering State and local community leaders, limiting Federal mandates, encouraging employment engagement, and increasing accountability.

I am grateful to cosponsor the Strengthening Career and Technical Education for the 21st Century Act. I appreciate the leadership of Chairman GLENN THOMPSON for sponsoring this leadership, and I urge my colleagues to support it.

Ms. CLARK of Massachusetts. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from North Carolina (Ms. ADAMS).

Ms. ADAMS. Mr. Speaker, I thank the gentlewoman for yielding.

As a member of the House Committee on Education and the Workforce, I am proud to stand here today in support of the Strengthening Career and Technical Education for the 21st Century Act. This is commonsense, bipartisan legislation, and it will strengthen our economy and put hardworking Americans back to work.

As elected leaders promoting the welfare of the American people, it is our most sacred responsibility, and this is why we must continue to work together to ensure that American workers have the skills and the training needed to compete in this modern workforce.

In August, I traveled throughout my district, meeting with local employers and workers, and they all shared one major concern: the desperate need to close the skills gap.

There are good paying jobs right here at home, but our people aren't able to fill them, and that is unacceptable. The skills gap is weakening our national and local economies, and we can no longer afford the price of an underprepared workforce. That is why I call on my colleagues to vote ''yes'' and to reauthorize CTE.

Voting ''yes'' will not only strengthen our economy, but will help make the American Dream a reality for millions of Americans. Voting ''yes'' will absolutely make a difference in the lives of those you serve. Today we have an opportunity to get it right, an opportunity to level the playing field, and to put the needs of the American people first. Let's make America stronger by passing this commonsense, bipartisan legislation. I urge my colleagues to vote ''yes.'' I hope the Senate will move swiftly in also passing this crucial piece of legislation.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding.

Career technical education is critical to the development of a growing workforce. As I go into the schools today, I often ask the students: Why are you getting an education?

These are questions that I ask the students: Why is education important?

The answer is to get a good job, to build a career.

Our schools teach children all the necessary and important subjects, but it is important that we offer programs that prepare students for the workforce. We have to work to bridge the existing gap between the business community and education. That means encouraging students to find their passions early on and choosing programs that will build their resumes and set them up for their chosen occupation.

As a member of the House Committee on Education and the Workforce, a member of the Congressional Career and Technical Education Caucus, and with over 40 years in the business world, I am a strong supporter of this bill. Growing this economy starts with jobs and getting people back to work. So why not start by preparing America's future workforce early?

I urge support of the Strengthening Career and Technical Education for the 21st Century Act.

Ms. CLARK of Massachusetts Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Massachusetts (Mr. KENNEDY). I would like to thank him for all his leadership and work on promoting American manufacturing, STEM and STEAM education, and CTE.

Mr. KENNEDY. Mr. Speaker, I want to thank my colleagues, Congresswoman CLARK and Congressman THOMPSON, for their extraordinary leadership, as they always seek ways to advance career and technical education training.

According to a recent report, Mr. Speaker, in my home State of Massachusetts, three out of five job openings in our Commonwealth 6 years from now will require less than a college degree. That means that students who are just starting their second week of middle school this week could walk straight out of their high school graduation and into a job in their own backyard.

They will only be prepared for those jobs, though, if we ensure that their curriculum is informed by the needs of companies in their communities. Businesses and voc-tech schools in my district are already creating innovative partnerships that allow students to learn in their classrooms and then gain hands-on experience on factory floors.

Guided by their example, I introduced the Perkins Modernization Act to align the curriculum that our students are learning today with the needs of the employers who will hire them tomorrow. I am grateful that the sponsors of this legislation included that language, and I hope the Senate will follow their lead by quickly taking up and passing this legislation.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. CURBELO), another very effective member of the House Committee on Education and the Workforce.

Mr. CURBELO of Florida. I thank Mr. THOMPSON for yielding, and I thank him for his leadership on this bill. I would also like to thank Ms. CLARK, our chairman, and the ranking member for making this possible.

I think all of my colleagues have explained all the details in this bill, the important reforms that are in it, but what I want to focus on is the critical message that it sends young people and, really, all aspiring people all over this country, Mr. Speaker.

For a long time—and I was a school board member, so I know this—young people were told that there was only one path to success: a traditional 4-year degree. And anyone who didn't do that was looked down upon, and we stigmatized a lot of young people in this country.

What this Congress is doing today together—Republicans and Democrats—is sending a strong message to students in high school today, students in middle school, and people who are adults but still aspiring and looking to acquire job skills so that they can get a good job, that there are many pathways to success. I think that is equally as important as the reforms, as the changes, as the updating of this important bill that we are advancing, the strong, wonderful message it is sending to the young people of this country.

I thank everyone for their leadership, and I urge all my colleagues to vote for this legislation.

Ms. CLARK of Massachusetts. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. NORCROSS).

Mr. NORCROSS. Mr. Speaker, I thank the gentlewoman for yielding.

I rise in support of H.R. 5587.

First, I want to thank the Members for coming together and certainly their staffs for recognizing the important piece of this legislation where we are going.

As we heard before, a 4-year college is a great pathway for some, but it certainly isn't for everyone. I, myself, am a product of the other 4-year school, an apprenticeship out of the IBEW that allowed me for many, many years to support my family being an electrician.

In New Jersey, my home State, 7 out of 10 jobs that are coming up in the next few years will require less than that 4-year degree, and that reemphasizes why we are here today.

This important bill will go a long way to provide students with alternative pathways to earn a fair day's pay for a fair day's work. I, along with Representative MCKINLEY, formed the Congressional Building Trades Caucus to work on these issues, and we will be meeting later this week to discuss these important items. Apprenticeships are a partnership between employers and employees. They come together and will increase the outcomes.

Once again, I want to thank all those involved for their hard work. I urge the Senate to take this up quickly.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I have no other speakers, so I reserve the balance of my time.

Ms. CLARK of Massachusetts. Mr. Speaker, I yield myself the balance of my time.

Today we have heard Democrats and Republicans from across the United States speak in support of H.R. 5587. This legislation builds upon the investments this Chamber has made in the education system and updates CTE to allow our students to be competitive in a global economy.

I want to give special thanks to the Committee on Education and the Workforce staff, who worked so hard to support Members in drafting this bill that has received such broad bipartisan support.

I urge my colleagues on both sides of the aisle, as well as our Senate colleagues, to quickly take up and approve this commonsense legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, career and technical education helps men and women across the country achieve the American Dream of finding and seizing opportunities to work hard and to succeed within the workforce.

The Strengthening Career and Technical Education for the 21st Century Act makes the positive reforms necessary to ensure more Americans are able to access life-changing education and experience that will allow them to do just that, to achieve the American Dream.

□ 1530

I am pleased that we have been able to work across the aisle in a bipartisan manner—my hope is that we will be able to work in a bicameral manner with the Senate, and I encourage swift action in the Senate—to ensure that this generation is equipped with the tools needed to remain competitive in today's workforce. I believe this is an effort that we can all support.

Mr. Speaker, the title of this bill is Strengthening Career and Technical Education for the 21st Century Act. Normally, we usually find some kind of an acronym—something short and catchy—to call this. Those initials don't lend to that process, but I would have to say I like to refer to this legislation as the opportunity bill. It is the opportunity for those young people who are looking to enter the workforce and want to go on to a path to be able to earn a family-sustaining wage, to be successful through career and technical education training.

It is an opportunity bill for those families who today find themselves depressed and caught in unemployment and looking to get back into the workforce and greater opportunity. It is an opportunity bill. It is an opportunity bill for those families that, maybe, for generations have found themselves trapped in poverty and without an exit strategy, Mr. Speaker. This bill is an opportunity bill. It is an exit ramp from poverty for those families, those Americans.

For those who are job creators who can't grow or maybe even start their business or sustain their business because they can't find qualified and trained workers, this is an opportunity bill, Mr. Speaker. I urge my colleagues to vote ''yes'' on H.R. 5587.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). The question is on the motion offered by the gentleman from Pennsylvania (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 5587, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CLARK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

HALT TAX INCREASES ON THE MIDDLE CLASS AND SENIORS ACT

Mr. BRADY of Texas. Mr. Speaker, pursuant to House Resolution 858, I call up the bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to repeal the increase in the income threshold used in determining the deduction for medical care, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 858, the amendment in the nature of a substitute recommended by the Committee on Ways and Means, printed in the bill, is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Halt Tax Increases on the Middle Class and Seniors Act''.

SEC. 2. REPEAL OF INCREASE IN INCOME THRESHOLD FOR DETERMINING MEDICAL CARE DEDUCTION.

(a) IN GENERAL.—Section 213(a) of the Internal Revenue Code of 1986 is amended by striking ''10 percent'' and inserting ''7.5 percent''.

(b) CONFORMING AMENDMENTS.—

(1) Section 213 of such Code is amended by striking subsection (f).

(2) Section 56(b)(1)(B) of such Code is amended by striking ''without regard to subsection (f) of such section'' and inserting ''by substituting '10 percent' for '7.5 percent' ''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour, equally divided and controlled by the chair and the ranking minority member of the Committee on Ways and Means.

The gentleman from Texas (Mr. BRADY) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3590, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Over the last few months, the American people have witnessed one ObamaCare failure after another. Major insurers are fleeing the exchanges, healthcare premiums are continuing to just skyrocket, and only 7 of ObamaCare's 23 public option co-ops remain. After New Jersey's announcement yesterday that it will close its co-op, we will be down to merely 6 at the end of the year. That means nearly three-quarters of a million Americans have been or will soon be kicked off their current healthcare insurance.

Every week, the news about this law gets worse. That is why House Republicans are taking action right now to protect seniors across our country from another looming negative consequence of the President's healthcare law. I am honored today to speak in support of Congresswoman MARTHA MCSALLY's Halt Tax Increases on the Middle Class and Seniors Act.

Before the Affordable Care Act, Americans could find some relief in their ability to deduct high-cost, out-of-pocket medical expenses from their taxes, but this important source of relief is about to get further out of reach for seniors, thanks to ObamaCare.

For Americans under 65 years of age, a provision of the Affordable Care Act has already raised the previous 7.5 percent income threshold up to 10 percent. Starting January 1, just 3 months from now, the provision will go into effect for America's seniors and elderly as well.

In fact, the American Association of Retired Persons—or AARP, as many know them—in their letter endorsing this legislation stated that ''56 percent of all returns claiming the deduction had at least one member of the household age 65 or older.'' In other words, this is hitting seniors in retirement years, where every dollar matters.

This ObamaCare provision is a tax hike, plain and simple. It makes paying for care even more difficult for individuals, families, and seniors who may already be struggling to afford the care they need.

Mr. Speaker, this law gets more unaffordable and burdensome every day, and it is the middle class and seniors who are being hurt most. With the Halt Tax Increases on the Middle Class and Seniors Act, we can repeal this provision and stop another painful ObamaCare tax hike in its tracks.

I am grateful for Representative MCSALLY's leadership on this important, bipartisan legislation. I would note that, as AARP said, more than half of those impacted are seniors. Nearly half are the middle class. They make between $40,000 and $70,000 a year. Every dollar in their family budget matters as well.

This solution, this targeted ObamaCare repeal, is another example of how House Republicans are delivering the patient-focused solutions Americans deserve. Most importantly, this repeal takes meaningful steps to make health care more affordable and accessible for the American people.

I am proud of the leadership of Congresswoman MCSALLY on behalf of our seniors and our middle class.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent that the gentleman from Ohio (Mr. TIBERI), the chairman of the Health Subcommittee, be permitted to control the remainder of the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is going nowhere, but there are lessons to be learned from it being voted on today. It is an exercise Republicans hope will help them politically, and yet another one of their attempts to undermine the Affordable Care Act.

The Joint Committee on Taxation estimates that this bill would increase the deficit by nearly $33 billion over the next 10 years. This bill does not include any offsets to address this cost. This is a vivid contradiction of worn-out Republican rhetoric claiming time and time again to be concerned about the deficit of this country.

Earlier this year, the President requested $1.9 billion to address the growing threat of the Zika virus in this country. Republicans ignored this request, disregarded our Nation's top public health officials, and, instead, combined lower funding levels with poison pill policy riders.

Nearly 12,000 Americans, including nearly 1,400 pregnant women, have confirmed cases of Zika in this country. The Centers for Disease Control and prevention has stated it is running out of resources to fight the virus. So far, no action.

Zika is an emergency. The Republicans say, Pay for it. Oh, but not a dime for this $35 billion tax cut. How can we afford to provide for an enormous tax cut, like the one before us today, but we can't afford to spend just one-fifteenth of that amount to protect Americans from a devastating disease impacting families and children?

The opioid epidemic. We passed some important legislation to address it, but no money, no action to make sure that it would really be meaningful. But today, we can pass an unpaid-for tax cut of $35 billion?

Flint, Michigan. Thousands of kids were poisoned. Drinking water still cannot be consumed, and water can't be otherwise used in Flint—but no action today. No action, but we can pass this $35 billion bill, unpaid for?

Let's be clear about the ACA, which, once again, the Republicans are trying to repeal, in part. The ACA was fully paid for—fully. And since the ACA passed 6 years ago, the majority has failed to offer any meaningful alternative to the ACA to reduce the ranks of the uninsured and provide affordable coverage to American families. Their response has been ''nada,'' in terms of anything meaningful.

According to the JCT data, approximately two-thirds of the tax benefits from H.R. 3590 will accrue to taxpayers earning $100,000 and more over the next 10 years.

In 2013, only 6.1 percent of all returns claimed the medical expense deduction, and only 11 percent of seniors did so. We know that the higher a household's income, the more likely it is to itemize deductions. So low-income seniors would receive little or no benefit from this bill since much of their income comes from Social Security.

For these reasons, the administration has issued a Statement of Administration Policy. I want to read it because it underlines how, as I said at the beginning, the Republicans here, once again, are going through the motions. This isn't going to become law, but it says something important: don't pay for, be reckless, claim you care, and also take another step to undo ACA.

I quote from the Statement of Administration Policy:

''The Administration strongly opposes House passage of H.R. 3590. It would repeal a provision of the Affordable Care Act that limits a regressive, poorly targeted tax break for health care spending. This repeal would disproportionately benefit high-income Americans, while increasing national health care spending. Additionally, it would increase the Federal deficit by $32.7 billion over ten years, according to the Congressional Budget Office.

''The Administration is always willing to work with the Congress on fiscally responsible ways to further improve health care affordability and the Affordable Care Act. The President's Budget offers a number of proposals to do so. However, H.R. 3590 would be a step in the wrong direction because it would increase health care spending and increase the Federal deficit, while doing little to improve the affordability of health care for middle-class families.

''If the President were presented with H.R. 3590, his senior advisors would recommend that he veto the bill.''

Mr. Speaker, I reserve the balance of my time.

□ 1545

Mr. TIBERI. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3590, the Halt Tax Increases on the Middle Class and Seniors Act, is a commonsense bill that repeals an onerous tax on 3.8 million households in America; 3.8 million households in America in 2016 alone.

We should encourage patients to seek the care they need, not to create more burdens and restrict access to medical care, as this ObamaCare tax does.

Now, if Americans out there watching listened to the previous speaker say things like ''politically motivated bill,'' ''undermine Affordable Care Act,'' ''a contradiction,'' here is the contradiction. This bill was introduced over a year ago by Congresswoman MARTHA MCSALLY from Arizona, but this isn't the first time this bill has been introduced. It was introduced in the last session of Congress by a gentleman whose name is Ron Barber, a former Congressman from Arizona and a Democrat. How interesting. What a contradiction that is.

So, this so-called politically motivated bill, according to AARP—this is AARP saying this, which supports the legislation—56 percent of all returns claiming this deduction had at least one member of their household age 65 years or older. My mom and dad, over

65, on a fixed income. But, yet, some are opposed to this bill.

Let me tell you who is for it. AARP, Americans for Prosperity, National Taxpayers Union, Americans for Tax Reform, 60 Plus, Association of Mature American Citizens, Campaign for Liberty, Small Business & Entrepreneurial Council.

Mr. Speaker, I am a proud cosponsor of this bill, and I would like to thank Congresswoman MARTHA MCSALLY from Arizona for her passion for this legislation, her tireless work for this legislation, testifying before the Ways and Means subcommittee on this legislation, and trying to help those 3.8 million households in America, many low-income and middle-income households in America, and bringing this important issue to light today.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Arizona (Ms. MCSALLY).

Ms. MCSALLY. Mr. Speaker, I thank Chairman TIBERI as well as Chairman BRADY. I truly appreciate their willingness to work with me on this legislation that will peel back this lesser-known tax increase buried in the Affordable Care Act that is already hurting middle class families and will begin to hurt seniors early next year.

H.R. 3590, the Halt Tax Increases on the Middle Class and Seniors Act, is a bill I introduced earlier in this Congress, and it will protect seniors from this tax hike and it will roll it back for middle class families.

With the costs of health care rising and becoming significantly harder for families and seniors to find, this legislation is necessary to provide relief to Americans with expensive medical bills. Since 2005, healthcare costs have steadily risen faster than inflation in every year except one.

Additionally, the trend towards rising health insurance deductibles and premiums are leaving people exposed to increased out-of-pocket costs. We should be working to reduce this burden, not making it worse; but that is not what this hidden tax hike in the Affordable Care Act would do.

Currently, the IRS allows Americans with high healthcare costs to deduct certain out-of-pocket expenses from their taxes. Prior to 2013, individuals could deduct out-of-pocket costs that exceed 7.5 percent of one's adjusted gross income, or AGI. The Affordable Care Act changed this for Americans under the age of 65 already by moving that threshold to 10 percent, effectively raising taxes on middle class Americans.

To make matters worse, that same tax increase is scheduled to hit Americans 65 and older starting January 1, 2017. This is particularly concerning to me because, according to the Census Bureau's 2014 American Community Survey, approximately 140,000 individuals, roughly one-fifth of my constituents, are over the age of 65.

Though it has not received much attention, the medical expense deduction means a great deal to some of the most vulnerable Americans. According to recent data from the IRS, more than 8 million people use this deduction, with more than 80 percent earning less than $100,000 a year and 49 percent earning less than $50,000 a year. This deduction is extremely important for low-and middle-income Americans who have already spent thousands in out-of-pocket costs and cannot afford another shock to their wallets and pocketbooks.

The same goes for seniors, many who already live on fixed incomes and struggle to make ends meet. According to the AARP, seniors make up 56 percent of all claimants of the medical expense deduction. If the threshold is raised, many seniors who have saved for their whole lives and have carefully planned for retirement will suddenly be faced with hundreds of dollars in extra taxes on top of the out-of-pocket medical costs they already pay.

That is why I introduced this bill. It is a bipartisan bill to stop this tax increase for seniors and roll it back for those under 65.

The impetus for this legislation came from one of my constituents in Green Valley, Arizona. His name is Loren Thorsen. Tragically, Loren passed away earlier this year, but he knew the importance of raising awareness of this tax hike and he was committed and passionate to doing what he could do to stop it. I am honored to be standing here today in order to advance this effort, Loren's effort, one step further.

In closing, I want to thank the 17 cosponsors, including Chairman TIBERI, Congresswoman LYNN JENKINS, Congressman BOB DOLD, and Congressman JASON SMITH, all members of the Ways and Means Committee, as well as my colleague, the gentlewoman from Arizona (Ms. SINEMA).

I would also like to thank the various supporting groups, including the AARP, Americans for Prosperity, 60 Plus, Americans for Tax Reform, the Association of Mature American Citizens, and the National Taxpayers Union.

I would urge all Members to join me in supporting this bill in order to ensure we protect the American people from another harmful healthcare tax increase that they simply cannot afford.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of our committee.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy for permitting me to add my voice to this discussion. I think we are all deeply concerned about impacts that we have on our constituents, whether it is in terms of tax, expenses in terms of health care, or challenges in their day-to-day life.

What is deeply concerning to me is an inability for us to step back and look at these things in a broader context to be able to prioritize and deal with these items in a way that actually provides some sense of balance.

Now, I will be the first to admit that I had some reservations about some of the funding elements that were part of the Affordable Care Act. I would not have used exactly the same structure, but bear in mind that the investment in the Affordable Care Act has provided significant healthcare subsidies for millions of Americans, which my friend and colleague, Congressman LEVIN, can go through in great detail. But what we are looking at here are three problems.

One, if this bill were to move forward, it would invest $33 billion, either added to the deficit or cutting other programs.

Now, I think it is important to bear in mind that this Congress has been tied in knots, unable to come up with a billion or two to deal with the Zika crisis, the infections that are taking place, the potential of an epidemic starting in places like Florida and Puerto Rico, but putting people at risk around the country. This is an immediate healthcare crisis.

Congress is paralyzed, and we can't come up with a billion or two, let alone $33 billion over the next 10 years. We have watched, on an ongoing basis, people picking away at items of the Affordable Care Act, which was developed as a comprehensive package that had things that some people supported, some people were opposed, but collectively was able to provide these benefits that resulted in having the lowest uninsured rate in American history. We are watching people starting to try and pick away at elements here that either add to the deficit or undermine the integrity of the Affordable Care Act.

Now, one of the things that has been frustrating for me is that we had a complete collapse of the legislative process. There were many things that we could have done to refine and improve the Affordable Care Act. Nobody would have designed the bill exactly like it went through, but that is what happened when the Senate Republicans stopped legislating, and we used the reconciliation package to take what we had, enable it to go forward with the expectation over the course of the last 6 years we would be working together to refine it, like we have done with every single major piece of social legislation in our history.

We work on it. None of these things are perfect. We refine it. We look at the changes that can come forward and try to improve it for the American people. That has not been what has happened in the 6 years that my Republican friends have been in charge of the House of Representatives.

I have deep affection and respect for my friend, Mr. TIBERI. We work on lots of things together. One thing we haven't been able to work on in 6 years is an opportunity to refine the Affordable Care Act, to be able to work together cooperatively to build on it.

We have had an agenda. I lost track at 65 the number of times the votes were to repeal it, not to be able to work together.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 2 minutes.

Mr. BLUMENAUER. But to repeal it and to get rid of it, to try to highlight—in fact, there were a number of votes that have taken place to actually make it worse, to have a bigger impact on low- and moderate-income families, have a bigger cliff for people who have changes in their economic circumstances, to have a larger penalty rather than smoothing, refining, and making it better.

We have an opportunity to be able to deal meaningfully with things that will improve the health of the American people. If we don't agree on the refinement of the Affordable Care Act—I am hoping that we might have a more responsible and slightly better Congress next time, but there are things we could do right now in areas of medical research. I mentioned Zika.

We have opportunities to move forward. This takes off the top something that has been in the legislation for some time that focuses one element, but doesn't improve the quality of health care; that doesn't deal with refining and strengthening the Affordable Care Act; that doesn't deal with the crisis of Zika; doesn't beef up medical research.

We have many priorities. We have many opportunities. The easiest thing in the world to do is come in and try to cut taxes, add more deductions, make changes, particularly if we are not going to pay for those changes, if we are just going to add to the deficit greater borrowing for the future.

This is cotton candy. This is not serious legislation. There are no tradeoffs involved here. It is just making it out of whole cloth, moving forward and letting somebody else bear the consequences. I don't think that is what we should be doing. I do think there are people who are serious about reducing the deficit. I think there are people who are serious about improving health care for the American people. There are people who are deadly serious about dealing with the Zika crisis. There are things that we could be doing cooperatively to make things better and focus on priorities. This bill is not that. This bill is cotton candy, unpaid for; cut taxes and let the consequences fall to somebody else.

I think we can do better. I hope we do better. I hope people get this out of their system and make their point. I understand it. In a perfect world, there are things that we would have done differently.

□ 1600

Mr. TIBERI. Mr. Speaker, I have great affection for my colleague from Oregon as well, but today we are making this piece of legislation, this thing called the Affordable Care Act, better. In fact, JCT says that, in 10 years, nearly 10 million households in America will be paying this new tax—again, moderate- and low-income households. For those 10 million people, we are making it better.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DOLD). He is from suburban Chicago, a member of the Ways and Means Committee, and has been active in supporting this legislation and helping get it passed out of committee.

Mr. DOLD. Mr. Speaker, I want to thank the chairman for yielding the time. I also want to join him in saying to my colleague and good friend from Oregon that I welcome the opportunity to try to dive in to the Affordable Care Act to make it better, and I look at the legislation that is in front of us as a step to be able to do some of those things.

Now, again, this is just one step, so I don't believe that it is cotton candy because, as we look at premiums that are going right through the roof, deductibles that have gone sky high, hardworking American taxpayers are looking and saying: What is going on?

Mr. Speaker, the debate today, which I am pleased to join, about H.R. 3590, the Halt Tax Increases on the Middle Class and Seniors Act, is a commonsense piece of legislation and a bipartisan piece of legislation that actually is talking about rolling back a tax that was put into the Affordable Care Act. What is interesting is that this tax, in essence, enabled people to be able to deduct expenses that were over 7.5 percent of their adjusted gross income. Think about that. That is a pretty sizeable amount of resources.

So as of 2013, Mr. Speaker, the Affordable Care Act raised the floor of this 7.5 percent to 10 percent. They raised it on individuals—hardworking American taxpayers—that are out there that are trying to get by and make ends meet to provide a better life for their family.

Currently, seniors age 65 and older still are able to deduct those that are above 7.5 percent of the adjusted gross income. But that is not going to be for very long because, beginning in 2017, they are also going to lose that ability, and it is going to go up to 10 percent.

Here is why that seemingly very small change is a big problem. Individuals, families, and seniors claiming this deduction are already spending a large amount of resources of their personal income on medical bills. Those who depend on this deduction most often have complex, high-cost health conditions.

The bill in front of us today will fix the Affordable Care Act's counterproductive tax increase that has already been imposed on individuals and families, and it will protect seniors from facing the same tax increase by permanently allowing everyone to deduct qualified medical expenses above the pre-ACA level, the Affordable Care Act level, of 7.5 percent.

This isn't cotton candy, I hope. I certainly hope this isn't cotton candy, as my friend from Oregon said. This is a meaningful and, I do believe, important piece of legislation as families all across our country are looking at healthcare costs that are going through the roof, and they are saying: Wait a second; can I please get some relief?

According to the Joint Committee on Taxation, 40 percent of those who would receive immediate relief from this piece of legislation, from this bill, make between $40,000 and $75,000 per year. This is not millionaires and billionaires—$40,000 to $75,000 a year.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TIBERI. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. DOLD. Additionally, according to the AARP, 56 percent of all tax returns claiming this as an expense are seniors, have a senior in the household making that claim. Fixing this counterproductive tax puts in place, I believe, the right message that we want people to be able to pay for their medical expenses.

Ultimately, what we are doing is we are seeing these costs continue to rise. I know I am not the only Member of Congress that hears it from their constituents. In talking to my colleagues, frankly, on both sides of the aisle, I know they hear it. The costs are going up, premiums and deductibles.

Ultimately, we want to provide good, quality coverage and health care to families, hardworking taxpayers, and seniors all across our country. This is a commonsense, bipartisan piece of legislation.

Mr. Speaker, I urge my colleagues to step forward and support this legislation.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Arizona (Ms. SINEMA).

Ms. SINEMA. Mr. Speaker, I thank Congressman LEVIN for yielding, and I thank Congresswoman MCSALLY for working with me on introducing this bipartisan legislation.

Mr. Speaker, I rise today in support of H.R. 3590, the Halt Tax Increases on the Middle Class and Seniors Act.

As the cost of health care shifts onto households, Congress must act to make sure that hardworking families can make ends meet. This bill provides commonsense and needed relief for hardworking Arizona families. It lowers the adjusted gross income threshold for claiming the medical expense deduction back to 7.5 percent and prevents a looming tax hike on Arizona seniors.

According to a 2014 CRS report, medical expenses are the second largest deduction for taxpayers with adjusted gross incomes of under $50,000. Middle-income families who itemize deductions are more likely and more able to claim this deduction than high-income earners.

According to 2014 IRS data, 98 percent of those claiming this deduction have incomes less than $200,000, and 84 percent claiming this deduction make

less than $100,000 a year. More than half of those who claim this deduction earn less than $55,000 a year. So if we talk dollars, 94 percent of the dollars that go back to hardworking families to cover medical expenses went to filers who earn under $200,000 a year.

While the annual growth in healthcare spending has slowed to historically low rates, the out-of-pocket costs for hardworking families continue to rise. This legislation provides modest relief for middle class families and seniors, and that is why it is strongly supported by the AARP.

Again, Mr. Speaker, I thank my colleague from Arizona for her bipartisan work on this bill, and I urge my colleagues to support H.R. 3590.

Mr. TIBERI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACK), who is a leader on the Ways and Means Committee on healthcare issues.

Mrs. BLACK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of the Halt Tax Increases on the Middle Class and Seniors Act, and I thank the sponsor, Ms. MCSALLY, for her work on this important legislation.

Under ObamaCare, more Americans have been pushed into high deductible plans that force them to incur massive out-of-pocket costs before insurance kicks in. Yet, just as Americans are shelling out more for health costs, ObamaCare upped the amount of money you have to spend on medical expenses in order to qualify for a tax deduction.

Seniors initially got a reprieve from this ObamaCare tax hike, but that ends next year. This means that, on top of dealing with ObamaCare's cuts to Medicare, the harmful medical device tax, and the looming threat of the law's Independent Payment Advisory Board—or, commonly called, IPAB—seniors will also be forced to adjust to a new tax rule that hits them right in their pocketbook. This is yet another example of how the President's healthcare law hurts the very people that it pretends to help.

Mr. Speaker, I have always said that, until we can repeal and replace ObamaCare altogether, we must act to ease the damage of this law wherever possible. That is why I am supporting today's legislation.

This bill repeals the ObamaCare tax increase and reinstates the previous threshold of medical expenses as a portion of income that qualify for a tax deduction. It just makes sense that, if Americans are already paying more for their health expenses, Washington shouldn't pile on with a tax hike to make matters worse.

Mr. Speaker, I urge a ''yes'' vote on this bill.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. TIBERI. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), our majority leader.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman for his work in this House and for the American people.

Mr. Speaker, many words have been said on this floor about ObamaCare, about losing doctors and insurance, about losing jobs and hours at work, and about premium increases and deductibles so high it makes insurance nearly worthless.

Do you know what? It is all true. ObamaCare only makes worse two of the biggest problems holding America back: jobs and cost of living. For America to succeed, we need good-paying jobs for people to make ends meet, and we need costs for services like health care to be low enough so people can afford it.

I have spoken too many times, Mr. Speaker, on how ObamaCare is hurting job growth and keeping people from full employment. I wish I didn't have to keep talking about it, but as long as people continue to be hurt by this law, they need a voice. With insurers dropping out of the marketplace in droves, insurance premiums are going up, some by as much as 50 percent more than the year before.

On top of that, before ObamaCare, the rule was that if you spent 7.5 percent of your income on medical expenses, you could start deducting however much you paid above that from your taxes. The idea was that, if you are really sick, the last thing you need is government making your medical costs even more difficult.

Well, I am sure you will be surprised, but ObamaCare wasn't happy with lowering your taxes, so they moved it up. President Obama and the Democrats in this Congress that passed this terrible bill raised taxes on the sickest people in America, those who spend the most on medical expenses.

Now, I don't understand how they could accept this. I know they didn't read the bill before they passed it, but now they can try to do something about it. They can make one thing right. MARTHA MCSALLY's bill today, part of the House's Better Way agenda, brings that threshold back down to where it was before, 7.5 percent.

Now, it doesn't solve the problem, but at least it gives the American people a break. Seniors and the middle class, those facing the highest medical bills, will all finally get some relief.

Frankly, Mr. Speaker, I don't see how anyone in this body can be against this. We all know ObamaCare is failing. We all know the American people and our country can't afford this law. So let's pass this bill and help those that need it the most.

Mr. LEVIN. I reserve the balance of my time, Mr. Speaker.

Mr. TIBERI. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY). Dr. BOUSTANY is the Tax Policy Subcommittee chairman of the Ways and Means Committee, but more importantly, an expert on healthcare policy, due to his life's work as a physician.

Mr. BOUSTANY. Mr. Speaker, I thank Chairman TIBERI for yielding time to me.

Mr. Speaker, I rise in strong support of the Halt Tax Increases on the Middle Class and Seniors Act. This is a critical piece of legislation that addresses one—just one—of many contradictory and damaging provisions of ObamaCare.

ObamaCare was passed in 2009 in a very partisan way, and we have seen steady increases in health insurance premium rates, double-digit increases year upon year, as well as out-of-pocket deductible costs that Americans must cover before their health insurance coverage even kicks in. Now, we have to do something about this.

Unfortunately, many American families have had to forgo the ability to deduct the majority of their total medical expenses since 2013 when this ObamaCare provision took effect for those under age 65. Yet to make matters worse, on January 1, 2017, America's cash-strapped seniors will also be hit with this harmful provision.

Today, more than 56 percent of those claiming the medical expense deduction are aged 65 or older. This is punitive. This is damaging. It is destructive, and it is unacceptable.

□ 1615

That is why I stand in support of Representative MCSALLY's critical piece of legislation, which will afford American families and seniors a small measure of the financial relief they desperately need right now. For people on a fixed income this is difficult. We should be doing everything we can to help them and not hurt them and especially protect them from the ravaging consequences of this horrible law that has devastated and really wrecked our health care system.

I urge my colleagues to join me in supporting this important bill, and I urge passage.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

I think we are fortunate that the majority leader spoke. It is very clear from his remarks what this is all about, at least in good measure, or I should say bad measure.

This is another effort to attack ACA, the healthcare reform bill. Let me just mention the latest information we have about ACA that came out in today's Census report. Prior to the ACA, there were nearly 50 million uninsured in the United States. That was disgraceful, and the Republicans twiddled their thumbs while those uninsured remained uninsured.

That number dropped to 29 million in 2015. The uninsured rate fell sharply in 2015 from 10.4 percent to 9.1 percent. Four million fewer Americans were uninsured in 2015 than in 2014—4 million—and it was the fifth straight year the uninsured rate has fallen since health reform's enactment in 2010.

The bill, in terms of this provision, has been in effect for nonseniors for several years. It won't go into effect as to seniors until next year. If there is a need to look at ACA, it can be done next year. Why the rush here? It is because we are just a couple of months away from an election.

I want to say one thing about the balance here in terms of this provision. If you look at the information that we received from the Joint Tax Committee on the distributional effect, here is what it would look like in 2024. This bill would provide less than $100 million in tax relief for those earning less than $40,000, while providing over $2.7 billion in tax relief for those earning over $100,000. That shows another real problem with this bill.

I want to close by just talking about the lack of any kind of perspective, any kind of balance, and any real sensitivity. Essentially, this House majority is saying this: pay-for money for Zika, pay for it; pay-for money for the people of Flint; pay-for money to carry out and implement opioid legislation. But don't pay for this tax bill, don't pay for it—$33 billion.

All of this shows the bankruptcy of the House majority, bankrupt in terms of sensitivity to an action for the overwhelming needs of the people of this country, whether it is Zika, whether it is the opioid epidemic, whether it is Flint, or other issues. And also in terms of bankruptcy just spiraling this Nation towards more and more debt, a party that once said it cared but, once again, just goes forth recklessly.

I urge very much that we vote ''no'' on this. We are going through the motions, but motions that are very ill-conceived and motions that will be reckless if ever carried out. That will not happen because the Senate will not act, and it will not happen because if the Senate ever did, the President would veto and his veto would be sustained.

I yield back the balance of my time.

Mr. TIBERI. Mr. Speaker, I yield myself such time as I may consume.

Let's go through the latest of the ACA. I concur. More Americans have insurance today. Many have it through Medicaid. In my State, we tried to apply for a Medicaid waiver program that the administration denied. In my district, there are people who have Medicaid today, but that doesn't mean they have better health care.

In fact, you could have insurance, but not have access to your doctor. You can have insurance, but not have access to the hospital where your doctor practices. That is an increasing problem throughout my district. You could have insurance, but the deductible is too high. You could have insurance, but the premiums are going up.

In fact, the average proposed rate hike in the individual market is 24.3 percent. In the 17 States that have approved final rates for next year, the average increase is 26 percent. You are paying more oftentimes and getting less. That is an update that I haven't heard from the other side. Paying for it. Picking away at it.

In December of 2015, just last year, this Congress voted in a bipartisan way to delay the medical device tax, to delay the excise tax on high cost employer health care plans, known as the Cadillac tax, delay the tax on health insurance, none of it paid for, and, oh, by the way, signed by President Barack Obama.

Ladies and gentlemen watching today—Bob and Betty Buckeye in Ohio—this must be a surreal debate that you are listening to. Yes, this Republican bill, sponsored by MARTHA MCSALLY, was first introduced by a Democrat last session of Congress, a Democrat from Arizona. But yet, today, someone will make this partisan.

That is unfortunate to the 3.8 million households, Mr. Speaker, who would be positively impacted by this bill if it became law this year, or the 10 million households, most of whom are middle class and low-income. That is why the AARP supports this bill.

This is about commonsense legislation. This is about helping regular people. This is about fixing a problem within the Affordable Care Act, which has been bipartisan until today, apparently.

With healthcare costs continuing to rise, Mr. Speaker, Congresswoman MARTHA MCSALLY takes a step in the right direction with this bill by providing relief from ObamaCare taxes. Among all of the harmful policies included in the President's health care law, this one is really unsettling because it targets our sickest Americans and our seniors.

The only way you benefit from this is if you have thousands of dollars of out-of-pocket costs. We could strive to make it easier for these people, most of whom are middle- and low-income, to afford their complex and expensive care. But instead, the Affordable Care Act makes it more difficult. This is easy. This shouldn't be partisan. This is common sense.

Join me, Congresswoman MCSALLY, and groups like the AARP in supporting this commonsense legislation to help our most vulnerable.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 858, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of the bill will be followed by 5-minute votes on the motion to suspend the rules and pass H.R. 5587 and the motion to suspend the rules and agree to H. Res. 729.

The vote was taken by electronic device, and there were—yeas 261, nays 147, not voting 23, as follows:

[Roll No. 502]

YEAS—261

Abraham
Aderholt
Aguilar
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bera
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Delaney
DeLauro
Denham
Dent
DeSantis
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Esty
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Larson (CT)
Latta
Lipinski
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lujan Grisham (NM)
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
Olson
Palmer
Pascrell
Paulsen
Pearce
Perry
Peters
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reichert
Renacci
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Ruiz
Ruppersberger
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Weber (TX)
Webster (FL)
Wenstrup

Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—147

Adams
Bass
Beatty
Becerra
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly
Conyers
Cooper
Costa
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Langevin
Larsen (WA)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Loebsack
Lofgren
Lowenthal
Lowey
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Moore
Moulton
Nadler
Napolitano
Neal
O'Rourke
Pallone
Perlmutter
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Ribble
Rice (NY)
Richmond
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Scott (VA)
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

NOT VOTING—23

Brady (PA)
Cicilline
DesJarlais
Duckworth
Fincher
Guinta
Guthrie
Hinojosa
Israel
Johnson, Sam
Kirkpatrick
Luján, Ben Ray (NM)
Meeks
Meng
Palazzo
Payne
Pelosi
Reed
Rush
Schiff
Scott, David
Sewell (AL)
Wilson (FL)

□ 1648

Messrs. SIRES and ELLISON changed their vote from ''yea'' to ''nay.''

Mr. NOLAN changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STRENGTHENING CAREER AND TECHNICAL EDUCATION FOR THE 21ST CENTURY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5587) to reauthorize the Carl D. Perkins Career and Technical Education Act of 2006, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. THOMPSON) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 5, not voting 21, as follows:

[Roll No. 503]

YEAS—405

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Gutiérrez
Hahn
Hanna
Hardy
Harper
Harris
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins
Hill
Himes
Holding
Honda
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jolly
Jordan
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matsui
McCarthy
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Olson
Pallone
Palmer
Pascrell
Paulsen
Pearce
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pitts
Pocan
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Scalise
Schakowsky
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stewart
Stivers
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—5

Amash
Buck
Jones
Massie
Stutzman

NOT VOTING—21

Brady (PA)
Cicilline
DesJarlais
Duckworth
Fincher
Guinta
Guthrie
Hinojosa
Israel
Johnson, Sam
Kirkpatrick
Luján, Ben Ray (NM)
Meeks
Meng
Palazzo
Payne
Pelosi
Rush
Schiff
Sewell (AL)
Wilson (FL)

□ 1655

Mr. SANFORD changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. WILSON of Florida. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted ''nay'' on rollcall 502 and ''yea'' on rollcall 503.

EXPRESSING SUPPORT FOR A NEW MEMORANDUM OF UNDERSTANDING ON MILITARY ASSISTANCE TO ISRAEL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to

the resolution (H. Res. 729) expressing support for the expeditious consideration and finalization of a new, robust, and long-term Memorandum of Understanding on military assistance to Israel between the United States Government and the Government of Israel on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 4, not voting 22, as follows:

[Roll No. 504]

YEAS—405

Abraham
Adams
Aderholt
Aguilar
Allen
Ashford
Babin
Barletta
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Gutiérrez
Hahn
Hanna
Hardy
Harper
Harris
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins
Hill
Himes
Holding
Honda
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jolly
Jordan
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matsui
McCarthy
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Olson
Pallone
Palmer
Pascrell
Paulsen
Pearce
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pitts
Pocan
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Scalise
Schakowsky
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Westmoreland
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—4

Amash
Duncan (TN)
Jones
Massie

NOT VOTING—22

Amodei
Brady (PA)
Cicilline
DesJarlais
Duckworth
Fincher
Guinta
Guthrie
Hinojosa
Israel
Johnson, Sam
Kirkpatrick
Luján, Ben Ray (NM)
Meeks
Meng
Neal
Palazzo
Payne
Pelosi
Rush
Schiff
Sewell (AL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1703

Mr. CARSON of Indiana changed his vote from ''present'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall 502, "yea" on rollcall 503, and "yea" on rollcall 504.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5351, PROHIBITING THE TRANSFER OF ANY DETAINEE AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, AND PROVIDING FOR CONSIDERATION OF H.R. 5226, REGULATORY INTEGRITY ACT OF 2016

Mr. BYRNE, from the Committee on Rules, submitted a privileged report (Rept. No. 114–744) on the resolution (H. Res. 863) providing for consideration of the bill (H.R. 5351) to prohibit the transfer of any individual detained at United States Naval Station, Guantanamo Bay, Cuba, and providing for consideration of the bill (H.R. 5226) to amend chapter 3 of title 5, United States Code, to require the publication of information relating to pending agency regulatory actions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF VETERANS AFFAIRS EXPIRING AUTHORITIES ACT OF 2016

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5985) to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Department of Veterans Affairs Expiring Authorities Act of 2016''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—EXTENSIONS OF AUTHORITY RELATING TO HEALTH CARE

SEC. 101. EXTENSION OF AUTHORITY FOR COLLECTION OF COPAYMENTS FOR HOSPITAL CARE AND NURSING HOME CARE.

Section 1710(f)(2)(B) is amended by striking ''September 30, 2016'' and inserting ''September 30, 2017''.

SEC. 102. EXTENSION OF REQUIREMENT TO PROVIDE NURSING HOME CARE TO CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 1710A(d) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 103. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ASSISTANCE AND SUPPORT SERVICES FOR CAREGIVERS.

Section 1720G(e) is amended—

(1) in paragraph (2), by striking ''and'';

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(4) $734,628,000 for fiscal year 2017.''.

SEC. 104. EXTENSION OF AUTHORITY FOR RECOVERY FROM THIRD PARTIES OF COST OF CARE AND SERVICES FURNISHED TO VETERANS WITH HEALTH-PLAN CONTRACTS FOR NON-SERVICE-CONNECTED DISABILITY.

Section 1729(a)(2)(E) is amended, in the matter preceding clause (i), by striking ''October 1, 2016'' and inserting ''October 1, 2017''.

SEC. 105. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.

(a) EXTENSION OF AUTHORITY.—Subsection (e) of section 205 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1144; 38 U.S.C. 1710 note) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (h) of such section is amended by striking ''and 2016'' and inserting ''2016, and 2017''.

SEC. 106. EXTENSION OF AUTHORITY TO MAKE GRANTS TO VETERANS SERVICE ORGANIZATIONS FOR TRANSPORTATION OF HIGHLY RURAL VETERANS.

Section 307(d) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1154; 38 U.S.C. 1710 note) is amended by striking ''2016'' and inserting ''2017''.

SEC. 107. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON COUNSELING IN RETREAT SETTINGS FOR WOMEN VETERANS NEWLY SEPARATED FROM SERVICE.

(a) EXTENSION.—Subsection (d) of section 203 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1143; 38 U.S.C. 1712A) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (f) of such section is amended by striking ''and 2016'' and inserting ''2016, and 2017''.

SEC. 108. EXTENSION OF DEADLINE FOR REPORT ON PILOT PROGRAM ON USE OF COMMUNITY-BASED ORGANIZATIONS AND LOCAL AND STATE GOVERNMENT ENTITIES TO ENSURE THAT VETERANS RECEIVE CARE AND BENEFITS FOR WHICH THEY ARE ELIGIBLE.

Section 506(g)(1) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 38 U.S.C. 523 note) is amended by striking ''180 days after the completion of the pilot program'' and inserting ''September 30, 2017''.

TITLE II—EXTENSIONS OF AUTHORITY RELATING TO BENEFITS

SEC. 201. EXTENSION OF AUTHORITY FOR THE VETERANS' ADVISORY COMMITTEE ON EDUCATION.

Section 3692(c) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 202. EXTENSION OF AUTHORITY FOR CALCULATING NET VALUE OF REAL PROPERTY AT TIME OF FORECLOSURE.

Section 3732(c)(11) is amended by striking ''October 1, 2016'' and inserting ''October 1, 2017''.

SEC. 203. EXTENSION OF AUTHORITY RELATING TO VENDEE LOANS.

Section 3733(a)(7) is amended—

(1) in the matter preceding subparagraph (A), by striking ''September 30, 2016'' and inserting ''September 30, 2017''; and

(2) in subparagraph (C), by striking ''September 30, 2016,'' and inserting ''September 30, 2017,''.

SEC. 204. EXTENSION OF AUTHORITY TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 458; 10 U.S.C. 1071 note) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

TITLE III—EXTENSIONS OF AUTHORITY RELATING TO HOMELESS VETERANS

SEC. 301. EXTENSION OF AUTHORITY FOR HOMELESS VETERANS REINTEGRATION PROGRAMS.

Section 2021(e)(1)(F) is amended by striking ''2016'' and inserting ''2017''.

SEC. 302. EXTENSION OF AUTHORITY FOR HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION PROGRAM.

Section 2021A(f)(1) is amended by striking ''2016'' and inserting ''2017''.

SEC. 303. EXTENSION OF AUTHORITY FOR REFERRAL AND COUNSELING SERVICES FOR VETERANS AT RISK OF HOMELESSNESS TRANSITIONING FROM CERTAIN INSTITUTIONS.

Section 2023(d) is amended by striking ''September 30, 2016'' and inserting ''September 30, 2017''.

SEC. 304. EXTENSION OF AUTHORITY TO PROVIDE HOUSING ASSISTANCE FOR HOMELESS VETERANS.

Section 2041(c) is amended by striking ''September 30, 2016'' and inserting ''September 30, 2017''.

SEC. 305. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

Subparagraph (E) of section 2044(e)(1) is amended to read as follows:

''(E) $320,000,000 for each of fiscal years 2015 through 2017.''.

SEC. 306. EXTENSION OF AUTHORITY FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(d)(1) is amended by striking ''2016'' and inserting ''2017''.

SEC. 307. EXTENSION OF AUTHORITY FOR THE ADVISORY COMMITTEE ON HOMELESS VETERANS.

Section 2066(d) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 308. EXTENSION OF AUTHORITY FOR TREATMENT AND REHABILITATION SERVICES FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) GENERAL TREATMENT.—Section 2031(b) is amended by striking ''September 30, 2016'' and inserting ''September 30, 2017''.

(b) ADDITIONAL SERVICES AT CERTAIN LOCATIONS.—Section 2033(d) is amended by striking ''September 30, 2016'' and inserting ''September 30, 2017''.

TITLE IV—OTHER EXTENSIONS AND MODIFICATIONS OF AUTHORITY AND OTHER MATTERS

SEC. 401. EXTENSION OF AUTHORITY FOR TRANSPORTATION OF INDIVIDUALS TO AND FROM DEPARTMENT FACILITIES.

Section 111A(a)(2) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 402. EXTENSION OF AUTHORITY FOR OPERATION OF THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE IN MANILA, THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking ''September 30, 2016'' and inserting ''September 30, 2017''.

SEC. 403. EXTENSION OF AUTHORITY FOR MONTHLY ASSISTANCE ALLOWANCES UNDER THE OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.

Section 322(d)(4) is amended by striking ''2016'' and inserting ''2017''.

SEC. 404. EXTENSION OF REQUIREMENT TO PROVIDE REPORTS TO CONGRESS REGARDING EQUITABLE RELIEF IN THE CASE OF ADMINISTRATIVE ERROR.

Section 503(c) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 405. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ADAPTIVE SPORTS PROGRAMS FOR DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.

Section 521A is amended—

(1) in subsection (g)(1), by striking ''2016'' and inserting ''2017''; and

(2) in subsection (l), by striking ''2016'' and inserting ''2017''.

SEC. 406. EXTENSION OF AUTHORITY FOR ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 407. MODIFICATION TO AUTHORIZATION OF APPROPRIATIONS FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.

Section 2013(7) is amended by striking ''$250,000,000'' and inserting ''$257,700,000''.

SEC. 408. EXTENSION OF AUTHORITY FOR TEMPORARY EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR CERTAIN VETERANS WITH DISABILITIES CAUSING DIFFICULTY AMBULATING.

Section 2101(a)(4) is amended—

(1) in subparagraph (A), by striking ''September 30, 2016'' and inserting ''September 30, 2017''; and

(2) in subparagraph (B), by striking ''2016'' and inserting ''2017''.

SEC. 409. EXTENSION OF AUTHORITY FOR SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.

Section 2108(g) is amended by striking ''September 30, 2016'' and inserting ''September 30, 2017''.

SEC. 410. EXTENSION OF AUTHORITY TO GUARANTEE PAYMENT OF PRINCIPAL AND INTEREST ON CERTIFICATES OR OTHER SECURITIES.

Section 3720(h)(2) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 411. EXTENSION OF AUTHORITY TO ENTER INTO AGREEMENT WITH THE NATIONAL ACADEMY OF SCIENCES REGARDING ASSOCIATIONS BETWEEN DISEASES AND EXPOSURE TO DIOXIN AND OTHER CHEMICAL COMPOUNDS IN HERBICIDES.

Section 3(i) of the Agent Orange Act of 1991 (Public Law 102–4; 38 U.S.C. 1116 note) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 412. EXTENSION OF AUTHORITY FOR PERFORMANCE OF MEDICAL DISABILITIES EXAMINATIONS BY CONTRACT PHYSICIANS.

Subsection (c) of section 704 of the Veterans Benefits Act of 2003 (38 U.S.C. 5101 note) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 413. RESTORATION OF PRIOR REPORTING FEE MULTIPLIERS.

Section 406 of the Department of Veterans Affairs Expiring Authorities Act of 2014 (Public Law 113–175; 38 U.S.C. 3684 note) is amended by striking ''two-year'' and inserting ''three-year''.

SEC. 414. EXTENSION OF REQUIREMENT FOR ANNUAL REPORT ON DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS INTERAGENCY PROGRAM OFFICE.

Section 1635(h)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1071 note) is amended by striking ''2016'' and inserting ''2017''.

SEC. 415. EXTENSION OF AUTHORITY TO APPROVE COURSES OF EDUCATION IN CASES OF WITHDRAWAL OF RECOGNITION OF ACCREDITING AGENCY BY SECRETARY OF EDUCATION.

Section 3679(a) of title 38, United States Code, is amended—

(1) by striking ''Any course'' and inserting ''(1) Except as provided by paragraph (2), any course''; and

(2) by adding at the end the following new paragraph:

''(2) In the case of a course of education that would be subject to disapproval under paragraph (1) solely for the reason that the Secretary of Education withdraws the recognition of the accrediting agency that accredited the course, the Secretary of Veterans Affairs, in consultation with the Secretary of Education, and notwithstanding the withdrawal, may continue to treat the course as an approved course of education under this chapter for a period not to exceed 18 months from the date of the withdrawal of recognition of the accrediting agency, unless the Secretary of Veterans Affairs or the appropriate State approving agency determines that there is evidence to support the disapproval of the course under this chapter. The Secretary shall provide to any veteran enrolled in such a course of education notice of the status of the course of education.''.

The SPEAKER pro tempore (Mr. HULTGREN). Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. TAKANO) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days within which to revise and extend their remarks and add extraneous material on H.R. 5985, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5985, as amended, would extend a number of expiring authorities and critical programs at both the Department of Veterans Affairs and the Department of Labor. These include extensions for veterans' health care and homeless programs, benefits for disabled veterans and their caregivers, vocational rehabilitative programs for servicemembers and veterans, home loan programs, and a variety of advisory committees and pilot programs.

Absent passage of this legislation today, these important and noncontroversial authorizations and programs are set to expire at the end of this fiscal or this calendar year. These are not new programs, and the costs associated with them have either been fully offset or have been assumed in the baseline budget for fiscal year 2017.

Furthermore, both the majority and minority of the House and Senate Committees on Veterans' Affairs have worked on this language and agree on the need to extend all of these programs.

H.R. 5985, as amended, includes an extension of authority which would allow VA to continue to approve schools for GI Bill benefits for up to 18 months, even if the school's accreditor loses formal recognition by the Department of Education.

Mr. Speaker, this change is necessary to provide student veterans with the same protections that students using title IV funds would have, and it would ensure that our Nation's veterans don't immediately have their GI Bill benefits, including their housing allowances, halted by a DOE decision to no longer recognize an accrediting body.

This provision is a must-pass, as there is possibly an imminent decision by the Department of Education to do just that and to withdraw the approval of the Accrediting Council for Independent Colleges and Schools.

While I am not going to comment today on the Secretary of Education's decision, we have been told it could come as early as this month, and it is this body's duty to protect an estimated 18,000 veterans from losing their benefits instantaneously through absolutely no fault of their own.

The language in this bill would mirror language that is already included in the law governing nonveteran student aid and is supported by numerous veterans service organizations and other stakeholders, including the American Legion, Veterans of Foreign Wars of the United States, Student Veterans of America, and the National Association of State Approving Agencies.

Mr. Speaker, I encourage all Members to support H.R. 5985, as amended.

I reserve the balance of my time.

Mr. TAKANO. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5985, a bill to extend certain expiring provisions related to care at the Department of Veterans Affairs. This bill makes sure that some of the vital programs we have in place to take care of our veterans continue past the end of the fiscal year and continue to help our veterans. Included in this bill are provisions related to health care, benefits, homeless veterans, and other related issues.

I am pleased to support extending programs related to support services for caregivers, child care for certain veterans receiving health care, and a pilot program on counseling in retreat settings for women veterans newly separated from the service.

It also has provisions to extend the authority related to rehabilitation and vocational benefits to members of the armed services with severe injuries or illnesses, homeless veterans' reintegration programs, homeless women veterans and homeless veterans with children and providing housing assistance for homeless veterans.

The final section of the bill deals with the GI Bill and when an institution of higher education loses its accreditation. This section aligns GI Bill benefits in law with all other higher education benefits, such as Pell and Federal student loans.

Now, this provision is crucial because soon the Department of Education may withdraw recognition of the Accrediting Council for Independent Colleges and Schools. I support this move by the Department of Education. It is a long time coming.

But without section 415, when this happens, GI Bill benefits will be cut off for student veterans in schools accredited by this agency. It puts the 37,000 student veterans and dependents receiving GI Bill benefits in schools accredited by this agency on the same footing as all other students receiving Federal higher education benefits. It allows them the time they need to recoup.

Section 415 is strongly supported by veterans service organizations such as Student Veterans of America and is the result of bipartisan agreement.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from the Fifth District of Colorado (Mr. LAMBORN), a very active member of the House Committee on Veterans' Affairs.

Mr. LAMBORN. Mr. Speaker, I thank the chairman for the great work. We are going to miss his leadership next year when he goes into other pursuits. He will be sorely missed, and veterans will miss him.

Mr. Speaker, I rise today to speak of a missed opportunity in H.R. 5985. At present, the VA is pushing a rule that permits certified registered nurse anesthetists to practice without the supervision of a physician. This is a huge mistake. This bill should extend a 1-year period where the VA cannot implement this rule.

Opponents to this provision cited conditions present in forward-deployed locations as justification for implementing a change of this magnitude. Be that as it may, just because certain practices are permitted in forward-deployed locations due to military necessity does not mean that those risky practices should be forced upon our veterans at all other times and places.

Our veterans deserve the absolute best care possible. They should not be used as test subjects when the VA tries to change how it delivers services. It is not right for the VA to give our veterans unsafe and risky health care.

Mr. TAKANO. Mr. Speaker, I have no further speakers. I simply want to urge my colleagues to join me in passing H.R. 5985, as amended. I want to thank, sincerely, the work that we have done together with Chairman MILLER on this legislation. I am so pleased that we are passing this in the manner we are.

Mr. Speaker, I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, once again, I encourage all Members to support H.R. 5985, as amended.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 5985, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

VA ACCOUNTABILITY FIRST AND APPEALS MODERNIZATION ACT OF 2016

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD on H.R. 5620.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore (Mr. BOUSTANY). Pursuant to House Resolution 859 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5620.

The Chair appoints the gentleman from Illinois (Mr. HULTGREN) to preside over the Committee of the Whole.

□ 1716

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5620) to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes, with Mr. HULTGREN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. TAKANO) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my bill, the VA Accountability First and Appeals Modernization Act of 2016, would do two very important things for our Nation's veterans. First, it would provide the Secretary of the Department of Veterans Affairs with more tools needed to enforce accountability at VA. Second, it would help modernize VA's current

appeals process, which is not just broken but is preventing VA from providing veterans with the benefits they deserve in a timely manner.

I want to first take a moment to discuss the important and forward-thinking accountability measures that are included in the bill before us today.

H.R. 5620 would allow the VA Secretary to remove or demote any employee for poor performance or misconduct; would allow the recoupment of a bonus given inappropriately to an employee; reduce a senior executive's pension if they are found guilty of a felony that influenced their job performance; make modifications to the Secretary's authority to remove senior executives that was granted in the Choice Act; and recoup any location and moving expenses if the Secretary determines that the employee committed any acts of waste, fraud, or malfeasance.

Furthermore, despite comments made by some of my colleagues on the other side of the aisle, my bill also contains language that increases protections. Let me say that again. It increases protections of whistleblowers. These new whistleblower protections would stipulate that any employee cannot be removed under this new authority if they have an open claim at the Office of Special Counsel.

To add even more protections for those who blow the whistle at VA, my bill would also set up a new process to be used in addition to any other process that is currently allowed by law. This will protect whistleblowers from retaliation and removal while they bring issues to light up through their chain of command.

These protections are unprecedented and strengthen existing whistleblower protections. In fact, 16 whistleblower groups signed a letter of support for the whistleblower provisions of this particular bill and stated that section 8 of my bill is '' . . . a major breakthrough in the struggle for VA whistleblowers to gain credible rights when defending the integrity of the agency mission and disclosing quality of care concerns. Further, section 8 of the bill would provide a system to hold employees accountable for their actions when they retaliate against those exposing waste, fraud, or abuse.''

Mr. Chair, as I have always said, I agree with all of my colleagues that the vast majority of the employees at the Department of Veterans Affairs are hardworking public servants who are dedicated to providing quality health care and the benefits that our veterans have earned. But it is beyond comprehension that, with as much outright malfeasance as our committee has uncovered at the Department of Veterans Affairs and increased scrutiny that we have placed on the Department over the past 5 years and their need to hold employees accountable, we still see far too many instances of VA employees not living up to the standards that America expects. It is even more incomprehensible that anyone would oppose this bill.

For example, we have shown an employee showing up drunk to work to scrub in for a surgery on a veteran; an employee taking a recovering addict to a crack house and buying him drugs and the services of a prostitute; a VA employee participating in an armed robbery; and senior managers retaliating against whistleblowers, at which point VA then has to pay hundreds of thousands of dollars to the whistleblower in restitution.

Not only are all of these acts egregious and not only are all of these instances factual, they really are just the tip of the iceberg. But what causes me to stand before you today is that in none of these instances did the VA hold these employees accountable in any reasonable timeframe, if they did at all. I blame many factors for this, but mainly I blame an antiquated system that has left VA managers unwilling to jump through the many hoops to do what is right.

Mr. Chair, it is well past time that we not allow the current system to continue. It is certainly our duty to finally take action and enact meaningful change at VA that puts their veterans and their families first and foremost. Everything else should come second. That includes the power of the public sector unions. As I have said before, VA is not sacred. Our veterans are.

Unfortunately, since the VA Committee began placing a greater focus on changing the civil service as it pertains to the VA, the unions have pushed back at every single turn, even telling committee staff that anything other than the status quo would never garner their support. Well, if the list of employees I mentioned before of who were not held accountable is not a clear example of how broken the status quo is, then I don't know what is.

Mr. Chair, it is time that we put politics and the misguided rhetoric of opponents of change aside and, instead, align ourselves with our Nation's veterans and the organizations that represent them.

Eighteen veterans service organizations support the bill that is before us today: The American Legion, The Veterans of Foreign Wars of the United States, Disabled American Veterans, Paralyzed Veterans of America, Student Veterans of America, AMVETS, Association of the United States Navy, the Military Order of Purple Heart, National Association for Uniformed Services, Iraq and Afghanistan Veterans of America, Concerned Veterans for America, the Fleet Reserve Association, Military Officers Association of America, Reserve Officers Association, The Enlisted Association of the National Guard of the United States, VetsFirst, Vietnam Veterans of America, and The United States Army Warrant Officers Association.

That is 18 groups, Mr. Chairman. These groups represent millions of veterans and their families, not public employee unions who support the status quo that has led to the litany of problems at the Department of Veterans Affairs. The choice is clear. Each of us is now faced with either siding with the veterans of this country or corrupt union bosses.

Everyone in government knows that the civil service laws that were once meant to promote the efficiency of government are now obsolete and make it almost impossible to remove a poor-performing employee.

Even last year, VA Deputy Secretary Sloan Gibson sat before our committee and admitted it was too difficult to fire a substandard employee. Another former senior VA employee, then Acting Under Secretary for Benefits, stated at a committee hearing last year that ''. . . With our GS employees, it's the rules, the regulations, the protections are such that it's almost impossible to do anything.''

The Government Accountability Office studied the government's ability to hold low-performing employees accountable. They found that it took 6 months to a year, on average, and sometimes significantly longer, to fire poor-performing government employees.

When the Choice Act was signed into law in 2014, even President Obama said at the bill signing: ''If you engage in an unethical practice, if you cover up a serious problem, you should be fired. Period. It shouldn't be that difficult.''

While I know the administration has changed its tone since the Choice Act was signed into law, since this legislation would now affect all VA employees, even unionized ones, I strongly believe we should maintain the same expectations for rank and file employees at VA as we do senior officials, regardless of your title or rank within the agency. It is a privilege to work at VA and to serve the veterans of this country. It is not a right.

Last summer, the House passed the removal section for all VA employees in H.R. 1994. At the time, I received a lot of pushback from my colleagues on the minority side about the accountability language. I was told I was trying to make all VA employees at-will and completely destroy the civil service system.

As I said then and I say now, that was not and is not my intention. But I believe that the current system is hampering VA from moving forward into an organization that is deserving of the veterans that it serves. In short, I want a civil service system at VA that serves and protects veterans, not bad employees.

I continue to hear concerns that this bill will hurt the Department's ability to recruit and retain good employees and will hurt morale. I also know that, last night, the administration released a statement about its concerns with the accountability measures in this bill and that this language would impede rather than support VA's ability to

carry out its duties. I think these arguments are nothing more than scare tactics.

Mr. Chairman, what is impeding VA from carrying out its duties is decades of tolerating poor performance and even criminal or unethical behavior. The antiquated civil service laws are binding the Department's hands and permitting the toxic behavior of a few to overcome the good work of a majority.

If we do not at least try to give the Secretary the tools needed to hold VA employees accountable, then we are just as culpable for any future VA failures as the antiquated civil service laws that foster these failures now.

That is why this legislation is not punitive, but it is necessary if we truly want to make the ability for the changes in this Congress. The American people and, most importantly, our veterans expect this to occur. The best way to improve morale is to make it easier to get rid of the roots of dysfunction that we currently see throughout the Department of Veterans Affairs.

I have been told that VA can't fire its way to excellence, but neither can you tolerate malfeasance and expect excellence to become routine. Most Americans would be appalled with the complexity that is now baked into our civil service system. In the real world, if you don't do your job effectively or if you engage in unethical conduct, you get removed from the payroll. It is that simple.

We only need to look at the news that broke last week regarding 5,300 employees at the Wells Fargo Bank that were fired for creating hundreds of thousands of fake deposit accounts and cheating customers by charging them bogus fees.

□ 1730

That is how disciplinary actions are handled in the private sector. They were fired. And I believe it is something the public sector needs to learn from.

Compare that to the fewer than 10 VA employees held accountable for the wait time manipulation at the center of the largest scandal in VA history, and it is no wonder why Americans are losing faith in their government.

There is not a doubt in my mind that all of my colleagues here, all of them, care about our Nation's veterans, and we can show that by passing this bill before us today.

I also want to touch on a provision in my bill that would improve the appeals process of disability claims at the VA. VA should process veterans' claims for disability benefits accurately, consistently, and in a timely fashion. However, if a veteran disagrees with the decision and decides to file an appeal, VA's appeals process should be thorough, it should be swift, and it should be fair.

The truth is that VA's current appeals process is broken. It is a lengthy, complicated, and confusing process for our veterans and their families. The appeals reform section was drafted by the Department in collaboration with VSOs and other veterans advocates.

The intent of the bill is to modernize their existing cumbersome appeals process and to ensure that veterans receive appeals decisions in a timely fashion.

My bill, based entirely off committee member DINA TITUS' bill, would allow the veteran to remove a traditional appeal with a hearing and opportunity to new evidence in support of their claim.

Additionally, the bill would give veterans the option of choosing a faster process in which the veteran would not submit new evidence or have a hearing but would receive an expedited decision.

Although there are many questions about how VA is going to implement this proposal, we don't have the luxury of time in these closing days, and the backlog of pending appeals is exploding. As of the first of January of this year, there were 375,000 appeals pending in VA, including at the Board of Veterans' Appeals. On the first of June of this year, there were almost 457,000 appeals pending, an increase of 82,000 pending appeals in less than 18 months.

Moreover, the Board of Veterans' Appeals estimates that the number of appeals certified to the Board will rise from 88,000 to almost 360,000 in fiscal year 2017, a 400 percent increase in 1 year.

It is obvious that Congress needs to act now. This bill offers the best chance to improve VA's appeals process and provide veterans with the best possible decision on their claim.

Mr. Chairman, today we have a meaningful package that makes changes to VA's civil service system, while maintaining due process rights, as well as making progressive steps in changing the antiquated system that veterans are currently stuck in when appealing their disability claims.

And finally, it is vital for our colleagues to keep in mind that H.R. 5620 is truly a bipartisan bill. It combines two of the biggest legislative priorities proposed by both the Republicans and the Democrats. And as we near the end of this Congress, we have the opportunity to put politics aside to make real and lasting change to a broken system.

Today, we can decide to stand with our veterans, or we can stand with the status quo and the unions that perpetuate the status quo which, I believe, has failed them and the American public for far, far too long.

I hope you will join me and the 18 veterans service organizations who support this legislation. Do what is right for our veterans. Pass H.R. 5620. Let's put accountability first so that transformative reforms can succeed.

Mr. Chairman, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington DC, September 8, 2016.

Hon. JEFF MILLER,
Chairman, Committee on Veterans' Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016. As you know, the Committee on Veterans' Affairs received an original referral and the Committee on Oversight and Government Reform a secondary referral when the bill was introduced on July 5, 2016. I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Oversight and Government Reform will forego action on the bill, as amended.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 5620 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation. Further, I request your support for the appointment of conferees from the Committee on Oversight and Government Reform during any House-Senate conference convened on this or related legislation.

Finally, I would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration, to memorialize our understanding.

Sincerely,

JASON CHAFFETZ,
Chairman.

CONGRESS OF THE UNITED STATES,
Washington DC, September 8, 2016.

Hon. JASON CHAFFETZ,
Chairman, House Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN CHAFFETZ: In reference to your letter on September 8, 2016, I write to confirm our mutual understanding regarding H.R. 5620, as amended.

I appreciate the House Committee on Oversight and Government Reform's waiver of consideration of provisions under its jurisdiction and its subject matter. I acknowledge that the waiver was granted only to expedite floor consideration of H.R. 5620, as amended, and does not in any way waive or diminish the House Committee on Oversight and Government Reform's jurisdictional interests over this legislation or similar legislation. I will support a request from the House Committee on Oversight and Government Reform for appointment to any House-Senate conference on H.R. 5620, as amended. Finally, I will also support your request to include a copy of our exchange of letters on this matter in the Congressional Record during floor consideration.

Again, thank you for your assistance with these matters.

With personal regards, I am

Sincerely,

JEFF MILLER,
Chairman.

Mr. TAKANO. Mr. Chairman, I yield myself as much time as I may consume, and I rise in strong opposition to H.R. 5620.

Now, there is no dispute whether Congress should take action to increase accountability at the VA. On both sides of the aisle, we recognize that VA employees have a patriotic duty to provide veterans the care they have earned, and there should be consequences when they fail to meet that standard.

But we must also recognize that VA employees, nearly a third of whom are

veterans themselves, have constitutional rights. In several ways, H.R. 5620 violates those rights and, therefore, will not achieve our shared goal of a more accountable VA workforce. In fact, passing this bill will move us further away from a strong accountability system that will improve the quality of service VA provides to veterans.

This flaw in the legislation is not without precedent. The accountability provisions included in the 2014 Veterans Choice Act could not be enforced after the Attorney General determined they violated due process rights. And President Obama threatened to veto a previous version of the bill, H.R. 1994, for the very same reason.

Now, unfortunately, the majority continues to treat the constitutional rights of VA employees as inconvenient obstacles to evade, instead of fundamental civil service protections to uphold.

The strict time requirements H.R. 5620 puts on administrative bodies, such as the Office of Personnel Management and the U.S. Merit Systems Protection Board, to decide appeals cases would meaningfully impact the ability of every VA employee to get a fair and proper hearing.

This bill improperly hands power to the VA Secretary with respect to setting standards for bonuses. According to the Non-Delegation Doctrine, Congress cannot shift its authority to agencies without providing an intelligent framework for carrying out that authority. As written, H.R. 5620 violates that doctrine.

Finally, I believe the majority's effort to institute new whistleblower provisions would be overturned for the same reason that the U.S. Attorney General's Office said it would not defend an unconstitutional section of the Choice Act: it violates the Appointments clause in the Constitution by allowing lower-level employees to have the final decisionmaking authority to decide whether an employee will be fired.

Now, these are more than minor legal concerns; they are reasons why VA employees who commit misconduct will not be held accountable when their terminations are challenged in court. We can pass H.R. 5620, but we will be right back here a year from now or 2 years from now when the law is deemed unconstitutional.

Our Senate colleagues have a bipartisan bill that includes accountability provisions that could serve as a foundation for legislation in the House. We had an opportunity to advance language that both parties and both Chambers can agree to, and I am disappointed that we are not pursuing that path.

I am also disappointed that this bill includes a moratorium on bonuses for VA's senior executives. Recruiting and retaining strong leadership at the VA is critical to its long-term success, and this provision will damage the Department's efforts to maintain a talented workforce that can address the underlying systematic issues that are causing poor performance.

Now I am not alone in this assessment. The American Legion, the Military Officers Association of America, and others have expressed reservations about this punitive approach to the VA's senior executives.

Finally, I am frustrated—I am particularly frustrated that the majority has attached to this bill a desperately needed bipartisan fix for the VA appeals process. The VA Appeals Modernization Act of 2016, introduced by my friend and colleague, Congresswoman DINA TITUS, has unanimous support and would sail through the House and Senate on its own. It is nearly the product of 4 years of work, and both sides agree to it.

Yet, you would attach it to a bill that we cannot agree to. It makes no sense that we are holding up this magnificent legislation that both sides worked on and that was the hard work of my friend and colleague from Nevada.

This legislation would move the VA away from an inefficient and convoluted unified appeals process and replace it with differentiated lanes, which give veterans clear options after receiving an initial decision on a claim. In sum, it would allow veterans to have a clear answer and path forward on their appeal within 1 year from filing.

By attaching it to this bipartisan accountability bill, the majority is preventing VA appeals reform from moving forward, denying veterans the streamlined appeals process they deserve.

I strongly urge the majority to allow Congresswoman TITUS' legislation to come to the floor as a stand-alone bill so we can accomplish a critical objective for the veterans community. Free the Titus bill. Let it come to the floor.

Now, the chairman talks about accountability and improving the culture at the VA. I would like to remind my friend from Florida that last week we heard testimony from the co-chairs of the Commission on Care. This Commission was appointed in a bipartisan way by the President, by the Speaker, by the minority leader of this House, and by the majority and minority leaders of the Senate; and the co-chairs gave us a report on their recommendations.

When asked about should there be an easier way to fire people, should there be a way to streamline the accountability process, to my surprise, they both answered ''no'' to a question posed by one of the Republican Members. They recommended that more investment and more time be devoted to leadership training within the VA.

They both lead private sector health organizations, and they both stated how they are obligated to the due process concerns with their employees. They were shocked at the relative under-appreciation for the personnel function at the VA.

They did not emphasize stripping away due process rights for workers. Instead, they strongly urged our committee to look at supporting the personnel function of the VA and improving leadership development and managerial skills of our managers.

So I recommend that we take this legislation back to committee, back to regular order, instead of considering it on a rushed basis and suspending the rules.

Mr. Chairman, all of us, Democrats and Republicans, believe in the need for stronger accountability for employees at the VA to ensure that our veterans get the care they deserve. Unfortunately, this legislation falls short of that goal. I urge my colleagues to vote ''no.''

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I would remind my good friend, the ranking member over on the minority side, that this bill has been sitting out there for 6 weeks, in time for 80 amendments to have been filed, so it definitely was not rushed.

I remember back in high school the three branches of government, and the executive branch is supposed to enforce the laws that this body, Congress, writes. I don't believe it is the Attorney General's responsibility. She may wish she was a judge, but she is not. She is the Attorney General. She cannot deem something unconstitutional.

Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Chairman, I appreciate the leadership of Chairman JEFF MILLER, both in the committee and with this particular piece of legislation.

Mr. Chairman, our veterans demand the strong accountability tools contained in H.R. 5620. Since the Phoenix wait-list scandals, very few individuals have been held accountable. Fewer still are those whose disciplinary actions have not been overturned by the Merit System Protection Board. This state of affairs is deplorable.

This bill provides VA leadership with the tools to hold all VA employees accountable for their performance and misconduct, not just those members of the Senior Executive Service.

This bill is long overdue. Veterans within my district are still experiencing poor service from the VA. VA employees have openly joked in front of our veterans about their immunity to any disciplinary actions for their poor performance.

Mr. Chairman, our veterans have earned the privilege of interacting with VA employees who put the veteran first, not their own careers. I urge my colleagues to support this vital piece of legislation.

□ 1745

Mr. TAKANO. Mr. Chairman, I yield 5 minutes to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Mr. Chairman, I thank the ranking member for yielding, and I

thank the chairman. Even though we may disagree on this piece of legislation, I believe he has been a fair chairman to work with all members of the committee.

When I became a member of the Veterans' Affairs Committee and the ranking member of the Disability Assistance and Memorial Affairs Subcommittee back in 2013, much of the focus was on the disability claims backlog. It had ballooned, and it was causing some veterans to wait almost 2 years just for their initial claim decision.

After that backlog was reduced, after considerable work by Congress and the administration, the problem shifted to the appeals process, where 450,000 veterans are currently waiting in an overburdened and overcomplicated system. The average claim takes more than 3 years to adjudicate, and claims that progress to the Board of Veterans Appeals can languish for more than 2,000 days. Both of these figures are also rising. So, if we miss this historic opportunity to reform the outdated and overcomplicated appeals system, the wait for our Nation's heroes will continue to lengthen. By 2027, we will be telling our veteran constituents that they will likely have to wait a decade for their appeal to be resolved. That is just unacceptable.

It is important to keep in mind that the appeals process was first developed back in 1933, and it was last updated in the late 1980s; so, surely, true reform is long overdue. Accordingly, this has become a top priority for the VA and for veterans service organizations, and it should be a priority for Congress as well.

Over the past months, the VA has been working closely with experts from the VSOs and other veterans advocacy groups to reform this broken system and replace it with a streamlined process designed to provide quicker outcomes for veterans while also preserving their due process rights.

Before you in this bill is the result of that effort. The new plan creates three lanes from which veterans can choose to appeal their claim. The first is a high-level de novo review for veterans who want to have a fresh set of well-trained eyes review their claim. The second is a lane for veterans who wish to add additional information or evidence to their claim. The third is for veterans who choose to have a full review done by the board, either with new evidence or as an expedited review without new supporting documents.

Veterans will be able to choose their own lane, depending on the specifics of their particular case. As part of this new system, the VA will provide more details to veterans when their initial claim decisions are delivered. This enhanced claims decision will better help veterans decide if they want to appeal and which lane will best suit their needs.

I appreciate that so many veterans organizations, including Disabled American Veterans, The American Legion, Veterans of Foreign Wars, Iraq and Afghanistan Veterans of America, AMVETS, Paralyzed Veterans of America, and others have all endorsed this appeals reform legislation.

It is unfortunate that my bill has been attached to controversial legislation regarding accountability at the VA. While we all agree that accountability for employees at the VA is critical for ensuring that our veterans receive the services and the care that they have earned and deserved, we should separate the two issues, pass appeals reform, and then work in a bipartisan manner on the accountability proceedings.

Last summer, this House passed an accountability bill; so, rather than passing another one that is very similar and which we know the administration opposes and feels is unconstitutional, let's get the appeals reform process done instead of playing politics that could hurt our Nation's heroes.

Mr. MILLER of Florida. Mr. Chairman, I would remind my good friend that the very same group that she says supported her appeals reform is the very same one that supports my accountability legislation.

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS) from the State of Florida's District 12.

Mr. BILIRAKIS. Mr. Chairman, I rise today in support of H.R. 5620, the VA Accountability First and Appeals Modernization Act, and I thank the chairman for filing the bill.

H.R. 5620 provides additional resources and flexibility to the Secretary to remove employees for poor performance or misconduct. What is wrong with that?

It further improves the protections of whistleblowers that continue to receive retaliation from simply wanting to do the right thing. I thank the chairman for putting that language in there.

Additionally, this bill improves the veterans appeals process with reforms sought to decrease excessive wait times for those waiting on a disability rating. I thank Representative TITUS for that language, as well.

In my district, I still hear veterans waiting too long for a decision to be made, which could take additional years on average in the appeals process—much too long.

Mr. Chairman, this process is broken and needs to be modernized right now. So again, with that, I urge my colleagues to support the bill.

Mr. TAKANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to comment on the assertion that it is the Attorney General's and the President's responsibility to enforce the law, as it does say that and as it is reflected in the Constitution. However, the Attorney General of the United States also has the duty to make sure that the taxpayers' money is well used. I often hear on the other side of the aisle a concern about unnecessary litigation or litigation that goes beyond the bounds of what is reasonable.

The Attorney General also has the obligation to take a look at the laws and to examine whether or not they would withstand constitutional muster. The American people do not demand of their Attorney General to litigate laws that are clearly unconstitutional. That would be a waste of money.

In the case of an accountability law and an accountability bill that clearly have flawed tools, tools which would be deemed unconstitutional, it would result in the following: it would result in managers taking actions against employees, money being spent on lawyers to dismiss these employees or otherwise discipline them, but employees being able to get their day in court and find that the provisions under which they are being disciplined are unconstitutional being reinstated after a lot of expense.

This is precisely why I would like to see this legislation go back to committee and for us to consult attorneys on both sides and not pass laws that are clearly going to not pass constitutional muster.

Yes, 81 amendments were filed because there are many problems with this legislation. Only 22 were ruled in order. I think we should go back to the drawing board and take the Senate legislation, which has bipartisan support, as a starting point.

As for the whistleblower protections, I have already stated my comments that these whistleblower protections in H.R. 5620 are also flawed. I believe that they would be ruled and deemed unconstitutional and, therefore, are also flawed.

Mr. Chairman, passing this legislation does not pass constitutional muster. It won't solve our problem. We need a real fix to improving VA accountability, and H.R. 5620 is not the solution.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I would remind my good friend that the Attorney General did comment on one particular live case. As a matter of fact, Sharon Helman, the person at the very center of the wait time debacle in Phoenix, believe it or not, is suing to get her job back, and the Attorney General has taken exception with one minor part of the law that was passed in 2014, the Veterans Choice Act. We have actually fixed her questions as relate to the Appointments Clause in the piece of legislation, so that problem should have been resolved at this point.

Mr. Chairman, I yield 2 minutes to the gentleman from the State of Tennessee (Mr. ROE). Dr. ROE is from the First Congressional District of Tennessee.

Mr. ROE of Tennessee. Mr. Chairman, I rise today in support of H.R. 5620, the VA Accountability First and Appeals

Modernization Act sponsored by my friend and colleague and VA Committee chair, JEFF MILLER.

This legislation would bring much-needed relief for veterans who are currently waiting months, and sometimes even years, for the disability benefit appeal to be adjudicated. It also grants the Secretary the expanded authority he needs to remove VA employees for poor performance or misconduct.

Mr. Chairman, at the beginning of 2015, there were roughly 375,000 pending appeals within the VA system. A mere 18 months later, in June of 2016, that number had exploded to 457,000, a 1.2 percent increase per month. With that in mind, it is clear that the VA appeals process is fundamentally broken.

By its own admission, the Board of Veterans' Appeals annual report for fiscal year 2015 stated that the number of appeals certified to the Board from the regional offices will increase from 88,183 in 2016 to 359,000 in 2017, an almost 400 percent increase in 12 months. We must work now, not later, to address this backlog before things get even more out of hand.

By implementing the reforms included in this legislation, the VA will be operating under streamlined processes needed to draw down this backlog. This bill also gives veterans some amount of control over how they wish their appeal to be reviewed. Under H.R. 5620, a veteran will be given the option of having their appeal heard by the regional office or having it bumped directly to the Board of Veterans' Appeals for adjudication.

By allowing veterans to waive or request a hearing and to limit or introduce new evidence in support of their claim, the veteran will have more control over who reviews their appeal, when it is reviewed, and what evidence is reviewed. Without this legislation, veterans will continue to be treated by VA as a mere case number, not as a veteran of the United States Armed Forces.

The CHAIR. The time of the gentleman has expired.

Mr. MILLER of Florida. Mr. Chairman, I yield the gentleman an additional 30 seconds.

Mr. ROE of Tennessee. Also included in this legislation is an important management tool for the Secretary to better maintain order within its workforce by expanding the authority of the Secretary to discipline or fire senior executive employees granted under the Veterans Choice Act to all VA employees. In an effort to protect employees who speak out from suffering retaliation, this bill provides comprehensive whistleblower protections.

These provisions are not meant to discourage or reduce morale for good, honest VA employees. In fact, it should accomplish just the opposite. The opponents of this provision are looking to protect the nurse who showed up drunk for surgery, the employees who purchased illegal drugs for veterans, or the managers who cooked the books on scheduling appointments and resulted in veterans dying. As someone who spent time working in a VA facility, I feel very strongly that the expedited removal of these types of employees improves the corrosive nature within the VA and makes the VA a safer, more respectful place to work.

Veterans deserve the best care, and I would challenge anyone to explain to me how these bad employees contribute to delivering quality of care.

Mr. TAKANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am concerned that the bill before us today will actually undermine whistleblower protections rather than strengthen them. The Office of Special Counsel echoes my concerns. Their statement regarding the bill reads: ''Section 8 of this act may undermine whistleblower protections and accountability by creating a new and unnecessary process for reporting concerns. Section 8 also creates an unreasonable expectation that supervisors will be able to evaluate an employee concern within 4 business days. This process is overly burdensome for employees and supervisors and may be entirely unworkable in many instances.''

We should go back to the drawing board. Let's go through regular order back in committee and not do this under the suspended rules and try to fix things on the floor of the House.

I continue the quote of the Special Counsel: ''This approach is not the best method for improving accountability or evaluating supervisory efforts to support and protect whistleblowers. OSC believes that reinforcing existing channels for reporting concerns would better protect the interests of VA whistleblowers.''

Whistleblowers are essential for proper oversight. Accountability measures that undermine whistleblowers or deter them from coming forward will make it harder. Again, the whistleblower protections in this bill may actually undermine our ability to protect them.

Mr. Chairman, I reserve the balance of my time.

□ 1800

Mr. MILLER of Florida. Mr. Chairman, I quote from a letter to Mrs. KIRKPATRICK from the Office of Special Counsel:

''We appreciate the bipartisan support for stronger whistleblower protections for VA employees, as reflected in H.R. 5620.''

Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. HUELSKAMP), from the First District.

Mr. HUELSKAMP. Mr. Chairman, I thank the chairman, and appreciate his strong, effective leadership in the Veterans' Affairs Committee.

At a committee hearing last year, the VA publicly admitted to me it was too difficult to fire bad employees. The situation is so dire that dozens of blatantly negligent employees and convicted criminals continue to work at the VA with zero consequences for their behavior.

I was a quick cosponsor of this bill when introduced by the chairman because it provides necessary solutions to a problem that has persisted far too long.

This bill will expand the VA Secretary's removal authority to include all VA employees and speed up the process. It will put in place additional whistleblower protections and give the Secretary the authority and responsibility to rescind bonuses and expense payments for corrupt employees. And it reforms the current broken claims process by providing veterans more choices when it comes to appealing VA claims.

It might not be talked about much around here, but inside Washington everyone knows there is almost no accountability in the Federal civil service. In fact, a recent nonpartisan GAO study found, on average, it takes 6 months to a year, and often longer, to remove a bad bureaucrat.

In the VA, we have seen example after example of Federal employees more concerned with defending a couple of bad apples than caring for our veterans. It is not unreasonable to demand VA employees be held accountable for their performance, just like our veterans were during their military service and how millions of hard-working Americans must do in their jobs every single day.

It is my hope this bill will begin a long-overdue cultural shift within the VA. Until that happens, we will continue to see headlines about employees dealing heroin to patients, operating on patients while drunk, keeping their job despite an armed robbery charge, and giving years of paid leave to bad doctors. We can all agree: our veterans deserve better, and the VA should be held accountable for this obligation.

I urge my colleagues in the House to support passage of this very important bill.

Mr. TAKANO. Mr. Chairman, I yield myself such time as I may consume.

I include in the RECORD a letter from the Office of Special Counsel to Representative KIRKPATRICK praising her for her amendment. I understand the majority also supports the Kirkpatrick amendment, so it is bipartisan support.

U.S. OFFICE OF SPECIAL COUNSEL,
Washington, DC, September 13, 2016.

Re Pending Legislation to Protect VA Whistleblowers.

Hon. ANN KIRKPATRICK,
Washington, DC.

DEAR REPRESENTATIVE KIRKPATRICK: The Office of Special Counsel (OSC) has received thousands of whistleblower retaliation complaints and disclosures from Department of Veterans Affairs (VA) employees. Based on this experience, we write to express our strong support for your amendment to H.R. 5620, the VA Accountability First and Appeals Modernization Act. Based on our review of the amendment, we believe it will advance the interests of VA whistleblowers.

Importantly, the amendment establishes the Office of Accountability and Whistleblower Protection (OAWP). OSC's ongoing

work with VA whistleblowers will benefit from having a high-level point of contact with the statutory authority to identify, correct, and prevent threats to patient care and to discipline those responsible for creating them. The establishment of similar offices at other agencies, including the Federal Aviation Administration, has significantly improved the whistleblower experience at those agencies. And OAWP, with a Senate-confirmed leader, will have the authority and a mandate to make a significant difference.

For these and other reasons, we believe your amendment will best advance the interests of VA whistleblowers and the Veterans served by the Department. If you are in need of additional information, please contact Adam Miles, Deputy Special Counsel for Policy and Congressional Affairs, at 202–254–3607. We appreciate the bipartisan support for stronger whistleblower protections for VA employees, as reflected in H.R. 5620, and believe this amendment will greatly enhance this effort.

Sincerely,

CAROLYN N. LERNER.

Mr. TAKANO. Mr. Chairman, I yield to the gentleman from Florida (Mr. MILLER) to ask him a question.

Was the quotation the gentleman read from this letter of the special counsel to Mrs. KIRKPATRICK?

Mr. MILLER of Florida. Will the gentleman yield?

Mr. TAKANO. I yield to the gentleman.

Mr. MILLER of Florida. I don't know what the letter is you are holding in your hand. I have one dated September 13.

Mr. TAKANO. Yes, September 13. And it is regarding pending legislation to protect VA whistleblowers?

Mr. MILLER of Florida. That is correct.

Mr. TAKANO. The quotation was from that letter.

I want to clarify that letter from the Office of Special Counsel was in support of Mrs. KIRKPATRICK's amendment, not in support of the entire bill H.R. 5620, and I am pleased that the majority joins us in support of that amendment.

My colleague, Chairman MILLER, mentioned that we have already covered our concerns in the Choice Act, and President Obama lauded the Choice Act when signing it into law. I will remind the chairman that the court—not Congress and not the President or the VA—determine whether a law meets constitutional muster.

I am concerned that the strict and arbitrary time limits in section 3 of H.R. 5620 violate constitutional due process and notions of basic fairness.

The lack of any clear standard of misbehavior by a VA employee that would trigger the Secretary's new firing authority also concerns me. Courts have allowed less notice if the behavior of a civil servant threatens the safety of others, but due process may not be limited simply to make it more convenient for Federal managers to get rid of employees they don't like.

That is why my amendment would pass constitutional muster and achieve the chairman's stated policy outcome more effectively than section 3 of H.R. 5620. It would give the Secretary a brand new authority to immediately remove, without pay, any VA employee whose behavior threatens veterans.

My amendment would address many of the egregious examples of terrible VA employees whose behavior has literally threatened veterans' lives, like the employee who took a veteran to a crack house. Under my alternative, that VA employee would be immediately suspended without pay and fired after a fair investigation.

The problem with passing a bill that limits due process is that if it were to become law, a VA employee fired under this new authority would inevitably sue. By the time the case wound its way through the court system and potentially found to be an unconstitutional violation of due process, the VA would have to reinstate with back pay any employee fired under the authority.

Instead, I would urge us to replace section 3 with my amendment language, or the Senate's language in the Veterans First Act, which contains more fairness and due process while still bringing accountability to the VA.

In our criminal justice system, we are innocent until proven guilty. The same concept applies to due process for VA employees. They should get to tell their side of the story before losing their jobs for what could be a miscommunication, or worse, discrimination or retaliation on the part of their supervisor.

H.R. 5620 is bad policy that sets the VA apart from all other Federal agencies and will make it harder for the VA to recruit exceptional medical providers and managers.

H.R. 5620 would return us to the political spoils system that was so problematic before the advent of civil service protections.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I agree wholeheartedly with Mr. TAKANO that it is the courts of the United States of America that would rule something unconstitutional and not the Attorney General of this country.

Mr. Chairman, I yield 1½ minutes to the gentleman from the Third District of Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Chairman, I have long fought for the highest quality health care for our veterans and accountability, and I applaud Chairman MILLER for bringing H.R. 5620 to the floor for a vote. It is long overdue.

This will not only provide greater options for veterans going through the VA's broken appeals process, but it also makes vital reforms to the Department's employee performance policies.

This is commonsense legislation. It will improve outcomes for veterans in my home State of Louisiana, where the VA has a long history of very poor performance.

The bill's provisions will make it easier for the VA Secretary to fire, demote, and recoup bonuses from employees who don't do their job.

Veterans in Louisiana have dealt with the VA's ineffective bureaucracy—and, in some cases, downright wrongdoing—for far too long. We desperately need more stringent accountability measures in place for the agency charged with caring for America's veterans.

This has gone on far too long. Chairman MILLER and I have fought with others for a very long time to do the very best for our veterans. Enough is enough. Enough is enough. It is time for a change. It is time for true accountability.

I am proud to stand with Chairman MILLER and others to support this legislation, and I urge all my colleagues to support it. It is urgently needed.

Mr. TAKANO. Mr. Chairman, I yield myself such time as I may consume.

I think it is important that we consider the impact our actions will have on the hardworking frontline VA employees, many of whom are veterans themselves and even whom my friend from Florida, Chairman MILLER, says the vast majority of whom are very good employees.

I include in the RECORD a letter from the American Federation of Government Employees.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL–CIO,
Washington, DC, September 9, 2016.

Re AFGE Opposition to H.R. 5620.

DEAR REPRESENTATIVE: I am writing on behalf of nearly 700,000 federal employees represented by the American Federation of Government Employees, AFL–CIO (AFGE), including 230,000 employees of the Department of Veterans Affairs (VA) to urge you to oppose H.R. 5620, a bill introduced by Representative Jeff Miller (R–FL) to provide for removal or demotion of VA employees, and for other purposes. The drastic reductions in due process rights for every frontline VA employee proposed by this bill represents another familiar attempt to weaken the VA by weakening its dedicated workforce.

Changes proposed by H.R. 5620, including reduced time to respond to notices of proposed removals, reduced time to appeal to the Merit System Protection Board (MSPB), the loss of MSPB rights if that agency is backlogged, and unfair processes for recouping bonuses and work expenses, will decrease accountability by subjecting vocal employees who speak up against mismanagement and patient harm to more retaliation and harassment. The bill also would directly undermine the Department's progress in filling vacancies and recruiting and retaining a strong VA workforce.

Shorter Notice of Proposed Removal: Under current law, VA employees, like most government employees, are entitled to at least thirty days' advance written notice before they are terminated or demoted (See 5 U.S.C. 7513(b)(1)). H.R. 5620 would reduce that notice period by two-thirds to only ten days. A ten-day period is completely inadequate for allowing an employee to respond to a notice of proposed removal or demotion, receive his or her evidence file, present an effective answer with supporting evidence and secure representation.

Loss of Additional Rights for Petformance-Based Removals: VA employees facing removal on poor performance would lose additional due process rights under this bill, making it nearly impossible to prepare an effective response. Currently, management

must inform employees of specific instances of unacceptable performance and the critical elements for the position involved. (See 5 CFR 1201.22(b)(1).) The bill eliminates both these rights to essential information to prepare one's answer.

Reduced Time to File MSPB Appeal: Currently, employees seeking MSPB review of the agency's decision have 30 calendar days from effective date of the action or within 30 days of receipt of agency decision, whichever is later to file an MSPB appeal. H.R. 5620 would reduce that filing deadline by more than 75 percent to only 7 days after the date of the removal or demotion. This extremely tight filing deadline is likely to have a disproportionate effect on lower wage employees who cannot afford representation.

Loss of All MSPB Appeal Rights if MSPB Fails to Meet Shorter Timeframe: MSPB suffers from a chronic shortage of staff and other resources. Like H.R. 1994, Representative Miller's 2015 ''firing bill'' to eliminate the due process rights of every front-line VA employee, this bill would take away all MSPB appeal rights if a decision is not issued within 60 days, and instead, the VA's final decision would stand. AFGE is very concerned that this may violate constitutional due process. In addition, this is an extremely unrealistic time frame and employees will be the ones to suffer as a result. Recent MSPB data indicates an average processing time for initial Administrative Judge appeals of 93 days and average of 281 days for Board review.

''Safe Harbor'' for Whistleblower Claims Will Overburden the Office of Special Counsel and Harm Whistleblowers: Like H.R. 1994, this bill requires the Office of Special Counsel (OSC) to review all agency decisions of employees who file OSC whistleblower complaints. OSC is already facing a significant increase in claims and does not currently review agency decisions to remove or demote employees. This added responsibility will increase the OSC's backlog and encourage the filing of less meritorious whistleblower complaints. Complainants with more meritorious matters will be adversely affected by additional delays.

Reductions in Senior Executive Retirement Annuities: AFGE also urges you oppose this provision that would remove covered service in calculating the annuities of VA senior executives who have been convicted of certain crimes. Pension recoupment is unnecessary and punitive, and would set an extremely dangerous precedent throughout the federal government for requiring forfeiture of earned compensation.

Unfair Bonus Recoupment Process: H.R. 5620 provides the VA Secretary with unfettered discretion to set the criteria for recoupment of bonuses already paid to employees. In addition, the bill is ambiguous about the appeals process that employees could utilize to challenge an unfair bonus recoupment decision.

Unfair Process for Recoupment of Payments for Relocation and Other Work Expenses: H.R. 5620 would give management overly broad authority to recoup allegedly improper reimbursements of work-related expenses. This overly broad and possibly unconstitutional provision could lead to more mismanagement and targeting of employees. VA already has ample authority to recoup improper payments, and payments made through misfeasance and malfeasance. In addition, the Department already addressed abuse of relocation bonuses by eliminating its Appraised Value Offer program. The lack of appeal rights in the bill is likely to give rise to an unconstitutional taking. This provision would further erode the morale of the VA workforce and discourage employees from relocating to hard-to-recruit locations to fill vacancies.

Thank you for considering the views of AFGE. If you need more information, please contact Marilyn Park of my staff.

Sincerely yours,

J. DAVID COX, Sr.,
National President.

Mr. TAKANO. The letter reads: ''The drastic reductions in due process rights for every frontline VA employee proposed by this bill represents another familiar attempt to weaken the VA by weakening its dedicated workforce.

''Changes proposed by H.R. 5620, including reduced time to respond to notices of proposed removals, reduced time to appeal to the Merit System Protection Board (MSPB), the loss of MSPB rights if that agency is backlogged, and unfair processes for recouping bonuses and work expenses, will decrease accountability by subjecting vocal employees who speak up against mismanagement and patient harm to more retaliation and harassment. The bill also would directly undermine the Department's progress in filling vacancies and recruiting and retaining a strong VA workforce.''

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

I include in the RECORD the letters from five veterans service organizations in support of this legislation, H.R. 5620.

THE AMERICAN LEGION,
July 12, 2016.

Hon. JEFF MILLER,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

CHAIRMAN MILLER: On behalf of the more than 2 million members of The American Legion, I express qualified support for H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016. The bill would bring additional accountability measures to the Department of Veterans Affairs while strengthening protections for whistleblowers. Additionally, the bill would reform the department's disability benefits appeals process—a top priority for VA leaders and many veterans service organizations.

Veterans deserve a first rate agency to provide for their needs, and the VA is an excellent agency that is unfortunately marred from time to time by bad actors that the complicated system of discipline makes difficult to remove. Legislation to improve that process and make it easier to deal with these few, problem employees would help restore trust in what is otherwise an excellent system. However, we cannot support the prohibition on VA senior executives from receiving awards or bonuses over the next five years. This overly punitive form of collective punishment is unfair and counterproductive to efforts to rebuild a leadership cadre after the extensive turnover experienced since the 2014 wait time scandal.

We wholeheartedly support the appeals modernization provisions in this legislation. They represent a combined team effort between VA, Congress, and the Veteran Service Organizations to produce highly needed reforms to the complex disability claims appeals system and The American Legion is proud of the work accomplished here.

The American Legion thanks you for the leadership you have shown to bring improvement and more accountability to VA. We are committed to working with you and your House and Senate colleagues to shepherd a veterans benefits legislative package before this session ends that we can all be proud of.

Sincerely,

DALE BARNETT,
National Commander.

DAV,
July 14, 2016.

Hon. JEFF MILLER,
Chairman, House Committee on Veterans' Affairs, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of DAV and our 1.3 million members, all of whom were injured or made ill during wartime service, I write to offer our support for H.R. 5620, the ''VA Accountability First and Appeals Modernization Act of 2016.'' This legislation could significantly improve the ability of veterans to receive more timely and accurate decisions on their claims and appeals for earned benefits.

As you know, the number of appeals awaiting decisions has risen dramatically—to almost 450,000—and the average time for an appeal decision is between three and five years, a delay that is simply unacceptable. To address this challenge, VA convened a workgroup in March consisting of DAV, other stakeholders and VA officials in order to seek common ground on a new framework for appeals. After months of intensive efforts, the workgroup reached consensus on a new framework for the appeals process that could offer veterans quicker decisions, while protecting their rights and prerogatives.

H.R. 5620, which contains the new appeals framework, would make fundamental changes to the appeals process by creating multiple options to appeal or reconsider claims' decisions, either formally to the Board or informally within the Veterans Benefits Administration. The central feature of the legislation would provide veterans three options, or ''lanes,'' to appeal unfavorable claims decisions; and if they were not satisfied with their decisions, they could continue to pursue one of the other two options. As long as a veteran continuously pursues a new appeals option within one year of the last decision, they would be able to preserve their earliest effective date. This legislation also allows veterans to present new evidence and have a hearing before the Board or VBA if they so desire.

If faithfully implemented as designed by the workgroup, and if fully funded by Congress and VA in the years ahead, H.R. 5620 would make a marked improvement in the ability of veterans to get timely and accurate decisions on appeals of their claims. We urge the House to swiftly approve this legislation and then work with the Senate to reach agreement on final legislation that can be sent to the President to sign this year.

Respectfully,

GARRY J. AUGUSTINE,
Executive Director, Washington Headquarters.

VETERANS OF FOREIGN WARS,
September 6, 2016.

Hon. JEFF MILLER,
Chairman, House Veterans' Affairs Committee, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, we are pleased to offer our support for H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016.

Your legislation would allow the Secretary of the Department of Veterans Affairs (VA) to expeditiously remove or demote any VA employee based on poor performance or misconduct. For far too long, under performing employees have been allowed to continue working at VA, simply because the processes for removal are so protracted. The VFW believes that employees should have some

layer of protection, but that true accountability must be enforced for those who willfully fail to meet the standard. This is critical to ensuring that VA consistently provides the highest quality services, as well as continuing to restore veterans' faith in the Department.

Additionally, your legislation works to address concerns related to the appeal of a veteran's disability compensation claim. Today, there are more than 450,000 appeals awaiting the years-long process to a final decision by the Board of Veterans' Appeals. While the VFW insists that the right of the veteran to appeal must be continued and protected, common sense changes like those included in this legislation will help to eliminate backlogs, reduce the amount of time that veterans wait for their earned benefits, and still ensure that veterans receive the assistance needed when completing such appeals.

The VFW commends your leadership on this issue and your commitment to meaningful VA reforms. We look forward to working with you to ensure the passage of this important legislation.

Sincerely,

RAYMOND C. KELLEY,
Director, VFW National Legislative Service.

PARALYZED VETERANS OF AMERICA,
July 11, 2016.

Hon. JEFF MILLER,
Chairman, House Committee on Veterans' Affairs, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of Paralyzed Veterans of America (PVA), I would like to offer our support for H.R. 5620, the ''VA Accountability First and Appeals Modernization Act.'' This important legislation focuses on two important issues that must be addressed within the Department of Veterans Affairs (VA)—accountability at all levels and reform of the veterans' claims appeals process.

As you are aware, PVA has supported efforts to ensure proper accountability at all levels of the Department of Veterans Affairs (VA). Unfortunately, in recent years there have been numerous accounts of bad actors in VA senior management (and frankly lower level management) who have failed to fulfill the responsibility of their positions and in some cases arguably violated the law. The focus on accountability in this proposal strikes a reasonable balance to ensure VA leadership has the ability to manage personnel while affording due process protections to VA employees.

Additionally, while work remains to ensure appropriate implementation, this legislation advances critically needed appeals reform. PVA, and our partners in the veterans' service organization community, has been directly engaged with VA to affect meaningful appeals reform. This legislation reflects much of that work. However, we must emphasize that VA needs a definitive plan to address implementation, specifically a plan to deal with the current inventory of appeals.

Mr. Chairman, we applaud your commitment to strong accountability and meaningful appeals reform at the VA. We hope that the Committee will consider and approve this important legislation expeditiously.

Respectfully,

SHERMAN GILLUMS, Jr.,
Executive Director,
Paralyzed Veterans of America

MILITARY OFFICERS
ASSOCIATION OF AMERICA,
August 16, 2016.

Hon. JEFF MILLER,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of MOAA's more than 390,000 members, I am writing to express our appreciation for your continuing efforts to improve accountability across the Department of Veterans Affairs (VA) and modernize the disability claims system through sponsorship of H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016.

This bill builds upon your earlier legislation, H.R. 1994, the VA Accountability Act of 2015, by further strengthening protections for whistleblowers, providing for removal or demotion of employees based on performance or misconduct, and reforming the disability benefits appeals process.

MOAA appreciates your commitment to providing the Secretary of Veterans Affairs the additional authority to remove employees for sub-standard performance and misconduct. However, we do have some concerns about setting a long-term prohibition on Senior Executive Service employee bonuses for the period 2017 to 2021, mentioned in Section 10. MOAA anticipates VA employees, who are striving to solve these very difficult problems, should have the ability to be rewarded for making progress. MOAA would prefer to see conditions placed on receipt of bonuses rather than implement a blanket prohibition.

MOAA believes the result of change should be outcome-driven. That is, accountability mechanisms should be placed on achieving a desired outcome versus prescribing each step taken to reach that outcome. We support the restructuring of the VA claims adjudication process and the goal of providing veterans with more expeditious claim resolution. That said, we are concerned the proposed bill appears to eliminate the VA's duty to assist veterans with their claims during the appeal process. MOAA believes continuing the VA's duty to assist veterans during the appeal will be important to fair resolution of the claim.

In closing, MOAA urges the House and Senate Committees on Veterans' Affairs to work together to reach agreement on how best to move forward on H.R. 5620 and S. 2921, the Veterans First Act, incorporating the necessary elements of accountability and appeals in order to achieve meaningful and substantive reform before Congress adjourns this year.

We deeply appreciate your support of our nation's servicemembers, veterans and their families. MOAA looks forward to continuing cooperation with you in helping to resolve these important issues.

Sincerely,

LT. GEN. DANA T. ATKINS, USAF (RET),
President and CEO.

Mr. MILLER of Florida. I reserve the balance of my time.

Mr. TAKANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for all of the foregoing arguments that were made today, I urge all of my colleagues to vote ''no'' on H.R. 5620.

I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

I urge all Members to support H.R. 5620, and I yield back the balance of my time.

The Acting CHAIR (Mr. MOONEY of West Virginia). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. The bill shall be considered as read.

The text of the bill is as follows:

H.R. 5620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''VA Accountability First and Appeals Modernization Act of 2016''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. REMOVAL OR DEMOTION OF EMPLOYEES BASED ON PERFORMANCE OR MISCONDUCT.

(a) IN GENERAL.—Chapter 7 is amended by adding at the end the following new section:

''§ 715. Employees: removal or demotion based on performance or misconduct

''(a) IN GENERAL.—The Secretary may remove or demote an individual who is an employee of the Department if the Secretary determines the performance or misconduct of the individual warrants such removal or demotion. If the Secretary so removes or demotes such an individual, the Secretary may—

''(1) remove the individual from the civil service (as defined in section 2101 of title 5); or

''(2) demote the individual by means of—

''(A) a reduction in grade for which the individual is qualified and that the Secretary determines is appropriate; or

''(B) a reduction in annual rate of pay that the Secretary determines is appropriate.

''(b) PAY OF CERTAIN DEMOTED INDIVIDUALS.—(1) Notwithstanding any other provision of law, any individual subject to a demotion under subsection (a)(2)(A) shall, beginning on the date of such demotion, receive the annual rate of pay applicable to such grade.

''(2) An individual so demoted may not be placed on administrative leave or any other category of paid leave during the period during which an appeal (if any) under this section is ongoing, and may only receive pay if the individual reports for duty. If an individual so demoted does not report for duty,

such individual shall not receive pay or other benefits pursuant to subsection (e)(5).

''(c) NOTICE TO CONGRESS.—Not later than 30 days after removing or demoting an individual under subsection (a), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives notice in writing of such removal or demotion and the reason for such removal or demotion.

''(d) PROCEDURE.—(1) Subsection (b) of section 7513 of title 5 shall apply with respect to a removal or a demotion under this section, except that the period for notice and response, which includes the advance notice period required by paragraph (1) of such subsection and the response period required by paragraph (2) of such subsection, shall not exceed a total of ten calendar days.

''(2) The procedures under chapter 43 of title 5 shall not apply to a removal or demotion under this section.

''(3)(A) Subject to subparagraph (B) and subsection (e), any removal or demotion under subsection (a) may be appealed to the Merit Systems Protection Board under section 7701 of title 5.

''(B) An appeal under subparagraph (A) of a removal or demotion may only be made if such appeal is made not later than seven days after the date of such removal or demotion.

''(e) EXPEDITED REVIEW BY MSPB.—(1) Upon receipt of an appeal under subsection (d)(3)(A), the Merit Systems Protection Board shall expedite any such appeal under such section and, in any such case, shall issue a decision not later than 60 days after the date of the appeal.

''(2) Notwithstanding section 7701(c)(1)(B) of title 5, the Merit Systems Protection Board shall uphold the decision of the Secretary to remove or demote an employee under subsection (a) if the decision is supported by substantial evidence.

''(3) The decision of the Merit Systems Protection Board under paragraph (1), and any final removal or demotion described in paragraph (4), may be appealed to the United States Court of Appeals for the Federal Circuit pursuant to section 7703 of title 5. Any decision by such Court shall be in compliance with section 7462(f)(2) of this title.

''(4) In any case in which the Merit Systems Protection Board cannot issue a decision in accordance with the 60-day requirement under paragraph (1), the removal or demotion is final. In such a case, the Merit Systems Protection Board shall, within 14 days after the date that such removal or demotion is final, submit to Congress and the Committees on Veterans' Affairs of the Senate and House of Representatives a report that explains the reasons why a decision was not issued in accordance with such requirement.

''(5) The Merit Systems Protection Board may not stay any removal or demotion under this section.

''(6) During the period beginning on the date on which an individual appeals a removal from the civil service under subsection (d) and ending on the date that the Merit Systems Protection Board issues a final decision on such appeal, such individual may not receive any pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, special payments, or benefits.

''(7) To the maximum extent practicable, the Secretary shall provide to the Merit Systems Protection Board such information and assistance as may be necessary to ensure an appeal under this subsection is expedited.

''(f) WHISTLEBLOWER PROTECTION.—(1) In the case of an individual seeking corrective action (or on behalf of whom corrective action is sought) from the Office of Special Counsel based on an alleged prohibited personnel practice described in section 2302(b) of title 5, the Secretary may not remove or demote such individual under subsection (a) without the approval of the Special Counsel under section 1214(f) of title 5.

''(2) In the case of an individual who has filed a whistleblower complaint, as such term is defined in section 741 of this title, the Secretary may not remove or demote such individual under subsection (a) until a final decision with respect to the whistleblower complaint has been made.

''(g) TERMINATION OF INVESTIGATIONS BY OFFICE OF SPECIAL COUNSEL.—Notwithstanding any other provision of law, the Special Counsel (established by section 1211 of title 5) may terminate an investigation of a prohibited personnel practice alleged by an employee or former employee of the Department after the Special Counsel provides to the employee or former employee a written statement of the reasons for the termination of the investigation. Such statement may not be admissible as evidence in any judicial or administrative proceeding without the consent of such employee or former employee.

''(h) RELATION TO OTHER AUTHORITIES.—The authority provided by this section is in addition to the authority provided by subchapter V of chapter 74 of this title, subchapter II of chapter 75 of title 5, chapter 43 of such title, and any other authority with respect to disciplining an individual.

''(i) DEFINITIONS.—In this section:

''(1) The term 'individual' means an individual occupying a position at the Department but does not include—

''(A) an individual, as that term is defined in section 713(g)(1); or

''(B) a political appointee.

''(2) The term 'grade' has the meaning given such term in section 7511(a) of title 5.

''(3) The term 'misconduct' includes neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

''(4) The term 'political appointee' means an individual who is—

''(A) employed in a position described under sections 5312 through 5316 of title 5 (relating to the Executive Schedule);

''(B) a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5; or

''(C) employed in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.''.

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL.—The table of sections at the beginning of chapter 7 is amended by inserting after the item relating to section 713 the following new item:

''715. Employees: removal or demotion based on performance or misconduct.''.

(2) CONFORMING.—Section 4303(f) of title 5, United States Code, is amended—

(A) by striking ''or'' at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting '', or''; and

(C) by adding at the end the following:

''(4) any removal or demotion under section 715 of title 38.''.

SEC. 4. REDUCTION OF BENEFITS FOR MEMBERS OF THE SENIOR EXECUTIVE SERVICE WITHIN THE DEPARTMENT OF VETERANS AFFAIRS CONVICTED OF CERTAIN CRIMES.

(a) REDUCTION OF BENEFITS.—

(1) IN GENERAL.—Chapter 7 is further amended by inserting after section 715, as added by section 3, the following new section:

''§ 717. Senior executives: reduction of benefits of individuals convicted of certain crimes

''(a) REDUCTION OF ANNUITY FOR REMOVED EMPLOYEE.—(1) The Secretary shall order that the covered service of an individual removed from a senior executive position for performance or misconduct under section 713 of this title, chapter 43 or subchapter V of chapter 75 of title 5, or any other provision of law shall not be taken into account for purposes of calculating an annuity with respect to such individual under chapter 83 or chapter 84 of title 5, if—

''(A) the individual is convicted of a felony that influenced the individual's performance while employed in the senior executive position; and

''(B) before such order is made, the individual is afforded—

''(i) notice of the order and an opportunity to respond to the order; and

''(ii) consistent with paragraph (2), an opportunity to appeal the order to another department or agency of the Federal Government.

''(2) If a final decision on an appeal made under paragraph (1)(B)(ii) is not made by the applicable department or agency of the Federal Government within 30 days after receiving such appeal, the order of the Secretary under paragraph (1) shall be final and not subject to further appeal.

''(b) REDUCTION OF ANNUITY FOR RETIRED EMPLOYEE.—(1) The Secretary may order that the covered service of an individual who is subject to a removal or transfer action for performance or misconduct under section 713 of this title, chapter 43 or subchapter V of chapter 75 of title 5, or any other provision of law but who leaves employment at the Department prior to the issuance of a final decision with respect to such action shall not be taken into account for purposes of calculating an annuity with respect to such individual under chapter 83 or chapter 84 of title 5, if—

''(A) the individual is convicted of a felony that influenced the individual's performance while employed in the senior executive position; and

''(B) before such order is made, the individual is afforded notice and an opportunity for a hearing conducted by another department or agency of the Federal Government.

''(2) The Secretary shall make such an order not later than seven days after the date of the conclusion of a hearing referred to in paragraph (1)(B) that determines that such order is lawful.

''(c) ADMINISTRATIVE REQUIREMENTS.—(1) Not later than 30 days after the Secretary issues an order under subsection (a) or (b), the Director of the Office of Personnel Management shall recalculate the annuity of the individual.

''(2) A decision regarding whether the covered service of an individual shall be taken into account for purposes of calculating an annuity under subsection (a) or (b) is final and may not be reviewed by any department or agency or any court.

''(d) LUMP-SUM ANNUITY CREDIT.—Any individual with respect to whom an annuity is reduced under subsection (a) or (b) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to the period of covered service.

''(e) SPOUSE OR CHILDREN EXCEPTION.—The Secretary, in consultation with the Office of Personnel Management, shall prescribe regulations that may provide for the payment to the spouse or children of any individual referred to in subsection (a) or (b) of any amounts which (but for this subsection)

would otherwise have been nonpayable by reason of such subsections. Any such regulations shall be consistent with the requirements of section 8332(o)(5) and 8411(l)(5) of title 5, as the case may be.

''(f) DEFINITIONS.—In this section:

''(1) The term 'covered service' means, with respect to an individual subject to a removal or transfer for performance or misconduct under section 713 of this title, chapter 43 or subchapter V of chapter 75 of title 5, or any other provision of law, the period of service beginning on the date that the Secretary determines under such applicable provision that the individual engaged in activity that gave rise to such action and ending on the date that the individual is removed or transferred from the senior executive position or leaves employment at the Department prior to the issuance of a final decision with respect to such action, as the case may be.

''(2) The term 'lump-sum credit' has the meaning given such term in section 8331(8) or section 8401(19) of title 5, as the case may be.

''(3) The term 'senior executive position' has the meaning given such term in section 713(g)(3) of this title.

''(4) The term 'service' has the meaning given such term in section 8331(12) or section 8401(26) of title 5, as the case may be.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 715, as added by section 3, the following new item:

''717. Senior executives: reduction of benefits of individuals convicted of certain crimes.''.

(b) APPLICATION.—Section 717 of title 38, United States Code, as added by subsection (a)(1), shall apply to any action of removal or transfer under section 713 of title 38, United States Code, commencing on or after the date of the enactment of this Act.

SEC. 5. AUTHORITY TO RECOUP BONUSES OR AWARDS PAID TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 7 is further amended by inserting after section 717, as added by section 4, the following new section:

''§ 719. Recoupment of bonuses or awards paid to employees of Department

''(a) RECOUPMENT.—Notwithstanding any other provision of law, the Secretary may issue an order directing an employee of the Department to repay the amount, or a portion of the amount, of any award or bonus paid to the employee under title 5, including under chapters 45 or 53 of such title, or this title if—

''(1) the Secretary determines such repayment appropriate pursuant to regulations prescribed under subsection (c); and

''(2) before such repayment, the employee is afforded notice and an opportunity for a hearing conducted by another department or agency of the Federal Government.

''(b) REVIEW.—(1) Upon the issuance of an order by the Secretary under subsection (a), the employee shall be afforded—

''(A) notice of the order and an opportunity to respond to the order; and

''(B) consistent with paragraph (2), an opportunity to appeal the order to another department or agency of the Federal Government.

''(2) If a final decision on an appeal made under paragraph (1)(B) is not made by the applicable department or agency of the Federal Government within 30 days after receiving such appeal, the order of the Secretary under subsection (a) shall be final and not subject to further appeal.

''(c) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 4, is amended by inserting after the item relating to section 717 the following new item:

''719. Recoupment of bonuses or awards paid to employees of Department.''.

(c) EFFECTIVE DATE.—Section 719 of title 38, United States Code, as added by subsection (a), shall apply with respect to an award or bonus paid by the Secretary of Veterans Affairs to an employee of the Department of Veterans Affairs on or after the date of the enactment of this Act.

(d) CONSTRUCTION.—Nothing in this Act or the amendments made by this Act may be construed to modify the certification issued by the Office of Personnel Management and the Office of Management and Budget regarding the performance appraisal system of the Senior Executive Service of the Department of Veterans Affairs.

SEC. 6. AUTHORITY TO RECOUP RELOCATION EXPENSES PAID TO OR ON BEHALF OF EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 7 is further amended by adding at the end the following new section:

''§ 721. Recoupment of relocation expenses paid on behalf of employees of Department

''(a) RECOUPMENT.—(1) Notwithstanding any other provision of law, the Secretary may direct an employee of the Department to repay the amount, or a portion of the amount, paid to or on behalf of the employee under title 5 for relocation expenses, including any expenses under section 5724 or 5724a of such title, or this title if—

''(A) the Secretary determines that—

''(i) the employee has committed an act of fraud, waste, or malfeasance; and

''(ii) such repayment is appropriate pursuant to regulations prescribed under subsection (c); and

''(B) before such repayment is ordered, the individual is afforded—

''(i) notice of the determination of the Secretary and an opportunity to respond to the determination; and

''(ii) consistent with paragraph (2), an opportunity to appeal the determination to another department or agency of the Federal Government.

''(2) If a final decision on an appeal made under paragraph (1)(B)(ii) is not made by the applicable department or agency of the Federal Government within 30 days after receiving such appeal, the order of the Secretary under paragraph (1) shall be final and not subject to further appeal.

''(b) REVIEW.—A decision regarding a repayment by an employee pursuant to subsection (a)(1)(B)(ii) is final and may not be reviewed by any department, agency, or court.

''(c) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.''.

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

''721. Recoupment of relocation expenses paid to or on behalf of employees of Department.''.

(c) EFFECTIVE DATE.—Section 721 of title 38, United States Code, as added by subsection (a), shall apply with respect to an amount paid by the Secretary of Veterans Affairs to or on behalf of an employee of the Department of Veterans Affairs for relocation expenses on or after the date of the enactment of this Act.

(d) CONSTRUCTION.—Nothing in this section or the amendments made by this section may be construed to modify the certification issued by the Office of Personnel Management and the Office of Management and Budget regarding the performance appraisal system of the Senior Executive Service of the Department of Veterans Affairs.

SEC. 7. SENIOR EXECUTIVES: PERSONNEL ACTIONS BASED ON PERFORMANCE OR MISCONDUCT.

(a) EXPANSION OF COVERED PERSONNEL ACTIONS.—Section 713 is amended in subsection (a)(1) by inserting after ''such removal.'' the following: ''If the Secretary determines that the performance or misconduct of such an individual does not merit removal from the senior executive service position, the Secretary may suspend, reprimand, or admonish the individual.''.

(b) REMOVAL OF APPEAL TO MERIT SYSTEMS PROTECTION BOARD.—Section 713 is further amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''so removes'' and inserting ''removes''; and

(B) by adding at the end the following:

''(3) On the date that is 5 days before taking any personnel action against a senior executive under paragraph (1), the Secretary shall provide the individual with—

''(A) notice in writing of the proposed personnel action, including the reasons for such action; and

''(B) an opportunity to respond to the proposed personnel action within the 5-day period.'';

(2) in subsection (b)(2)—

(A) by striking ''under this section'' and inserting ''under section 723''; and

(B) by striking the second sentence;

(3) in subsection (c)—

(A) by striking ''30'' and inserting ''5''; and

(B) by striking ''and the reason for such removal or transfer'' and inserting '', the reason for such removal or transfer, the name and position of the employee, and all charging documents and evidence pertaining to such removal or transfer'';

(4) by striking subsections (d) and (e) and inserting the following:

''(d) PROCEDURE.—(1) The procedures under title 5 shall not apply to any personnel action under this section.

''(2) A personnel action under this section—

''(A) may be appealed to the Senior Executive Disciplinary Appeals Board under section 723; and

''(B) may not be appealed to the Merit Systems Protection Board under section 7701 of title 5.'';

(5) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(6) in subsection (f), as redesignated by paragraph (5), by adding at the end the following:

''(4) The term 'suspend' means the placing of an individual in a temporary status without duties and pay for a period greater than 14 days.''.

(c) REMOVAL OF EXPEDITED PROCEDURES.—Section 707 of the Veterans Access, Choice, and Accountability Act of 2014 (38 U.S.C. 713 note) is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(d) SENIOR EXECUTIVE DISCIPLINARY APPEALS BOARD.—Chapter 7 is further amended by inserting after section 721, as added by section 6, the following new section:

''§ 723. Senior Executive Disciplinary Appeals Board

''(a) The Secretary shall from time to time appoint a board to hear appeals of any personnel action taken under section 713. Such board shall be known as the Senior Executive Disciplinary Appeals Board (hereinafter referred to as the 'Board'). Each Board shall

consist of 3 employees of the Department. The Board shall have exclusive jurisdiction to review any personnel action under section 713.

''(b) Upon an appeal of such a personnel action, the Senior Executive Disciplinary Appeals Board shall—

''(1) review all evidence provided by the Secretary and the appellant; and

''(2) issue a decision not later than 21 days after the date of the appeal.

''(c) The Board shall afford an employee appealing a personnel action an opportunity for an oral hearing. If such a hearing is held, the appellant may be represented by counsel.

''(d) The Board shall uphold the decision of the Secretary if—

''(1) there is substantial evidence supporting the decision; and

''(2) the applicable personnel action is within the tolerable bounds of reasonableness.

''(e) If the Board issues a decision under this section that reverses or otherwise mitigates the applicable personnel action, the Secretary may reverse the decision of the Board. Consistent with the requirements of subsection (g), the decision of the Secretary under this subsection shall be final.

''(f) In any case in which the Board cannot issue a decision in accordance with the 21-day requirement under subsection (b)(2), the personnel action is final.

''(g) A petition to review a final order or final decision of the Secretary or the Board under this section shall be filed in the United States Court of Appeals for the Federal Circuit. Any decision by such Court shall be in compliance with section 7462(f)(2) of this title.

''(h) During the period beginning on the date on which an individual appeals a removal from the civil service under section 713(d) and ending on the date that the Board or Secretary issues a final decision on such appeal, such individual may not receive any pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, special payments, or benefits.''.

(e) TECHNICAL AND CLERICAL AMENDMENTS.—

(1) TECHNICAL AMENDMENT.—The section heading of section 713 is amended to read as follows: **Senior executives: personnel actions based on performance or misconduct**.

(2) CLERICAL AMENDMENTS.—The table of contents for such chapter is further amended—

(A) by striking the item relating to section 713 and inserting the following:

''713. Senior executives: personnel actions based on performance or misconduct.'';

and

(B) by adding at the end the following:

''723. Senior Executive Disciplinary Appeals Board.''.

(f) RULE OF CONSTRUCTION.—Nothing in this section or section 731 of title 38, United States Code, (as added by subsection (c)) shall be construed to apply to an appeal of a removal, transfer, or other personnel action that was pending before the date of the enactment of this Act.

SEC. 8. TREATMENT OF WHISTLEBLOWER COMPLAINTS IN DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 7 is further amended by adding at the end the following new subchapter:

''SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

''§ 741. Whistleblower complaint defined

''In this subchapter, the term 'whistleblower complaint' means a complaint by an employee of the Department disclosing, or assisting another employee to disclose, a potential violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

''§ 742. Treatment of whistleblower complaints

''(a) FILING.—(1) In addition to any other method established by law in which an employee may file a whistleblower complaint, an employee of the Department may file a whistleblower complaint in accordance with subsection (g) with a supervisor of the employee.

''(2) Except as provided by subsection (d)(1), in making a whistleblower complaint under paragraph (1), an employee shall file the initial complaint with the immediate supervisor of the employee.

''(b) NOTIFICATION.—(1) Not later than four business days after the date on which a supervisor receives a whistleblower complaint by an employee under this section, the supervisor shall notify, in writing, the employee of whether the supervisor determines that there is a reasonable likelihood that the complaint discloses a violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety. The supervisor shall retain written documentation regarding the whistleblower complaint and shall submit to the next-level supervisor a written report on the complaint.

''(2) On a monthly basis, the supervisor shall submit to the appropriate director or other official who is superior to the supervisor a written report that includes the number of whistleblower complaints received by the supervisor under this section during the month covered by the report, the disposition of such complaints, and any actions taken because of such complaints pursuant to subsection (c). In the case in which such a director or official carries out this paragraph, the director or official shall submit such monthly report to the supervisor of the director or official.

''(c) POSITIVE DETERMINATION.—If a supervisor makes a positive determination under subsection (b)(1) regarding a whistleblower complaint of an employee, the supervisor shall include in the notification to the employee under such subsection the specific actions that the supervisor will take to address the complaint.

''(d) FILING COMPLAINT WITH NEXT-LEVEL SUPERVISORS.—(1) If any circumstance described in paragraph (3) is met, an employee may file a whistleblower complaint in accordance with subsection (g) with the next-level supervisor who shall treat such complaint in accordance with this section.

''(2) An employee may file a whistleblower complaint with the Secretary if the employee has filed the whistleblower complaint to each level of supervisors between the employee and the Secretary in accordance with paragraph (1).

''(3) A circumstance described in this paragraph are any of the following circumstances:

''(A) A supervisor does not make a timely determination under subsection (b)(1) regarding a whistleblower complaint.

''(B) The employee who made a whistleblower complaint determines that the supervisor did not adequately address the complaint pursuant to subsection (c).

''(C) The immediate supervisor of the employee is the basis of the whistleblower complaint.

''(e) TRANSFER OF EMPLOYEE WHO FILES WHISTLEBLOWER COMPLAINT.—If a supervisor makes a positive determination under subsection (b)(1) regarding a whistleblower complaint filed by an employee, the Secretary shall—

''(1) inform the employee of the ability to volunteer for a transfer in accordance with section 3352 of title 5; and

''(2) give preference to the employee for such a transfer in accordance with such section.

''(f) PROHIBITION ON EXEMPTION.—The Secretary may not exempt any employee of the Department from being covered by this section.

''(g) WHISTLEBLOWER COMPLAINT FORM.—(1) A whistleblower complaint filed by an employee under subsection (a) or (d) shall consist of the form described in paragraph (2) and any supporting materials or documentation the employee determines necessary.

''(2) The form described in this paragraph is a form developed by the Secretary, in consultation with the Special Counsel, that includes the following:

''(A) An explanation of the purpose of the whistleblower complaint form.

''(B) Instructions for filing a whistleblower complaint as described in this section.

''(C) An explanation that filing a whistleblower complaint under this section does not preclude the employee from any other method established by law in which an employee may file a whistleblower complaint.

''(D) A statement directing the employee to information accessible on the Internet website of the Department as described in section 745(c).

''(E) Fields for the employee to provide—

''(i) the date that the form is submitted;

''(ii) the name of the employee;

''(iii) the contact information of the employee;

''(iv) a summary of the whistleblower complaint (including the option to append supporting documents pursuant to paragraph (1)); and

''(v) proposed solutions to complaint.

''(F) Any other information or fields that the Secretary determines appropriate.

''(3) The Secretary, in consultation with the Special Counsel, shall develop the form described in paragraph (2) by not later than 60 days after the date of the enactment of this section.

''§ 743. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints

''(a) IN GENERAL.—(1) In accordance with paragraph (2), the Secretary shall carry out the following adverse actions against supervisory employees whom the Secretary, an administrative judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or the Inspector General of the Department determines committed a prohibited personnel action described in subsection (c):

''(A) With respect to the first offense, an adverse action that is not less than a 14-day suspension and not more than removal.

''(B) With respect to the second offense, removal.

''(2)(A) Except as provided by subparagraph (B), and notwithstanding subsections (b) and (c) of section 7513 and section 7543 of title 5, the provisions of subsections (d) and (e) of section 713 of this title shall apply with respect to an adverse action carried out under paragraph (1).

''(B) An employee who is notified of being the subject of a proposed adverse action under paragraph (1) may not be given more than five days following such notification to provide evidence to dispute such proposed adverse action. If the employee does not provide any such evidence, or if the Secretary

determines that such evidence is not sufficient to reverse the determination to propose the adverse action, the Secretary shall carry out the adverse action following such five-day period.

''(b) LIMITATION ON OTHER ADVERSE ACTIONS.—With respect to a prohibited personnel action described in subsection (c), if the Secretary carries out an adverse action against a supervisory employee, the Secretary may carry out an additional adverse action under this section based on the same prohibited personnel action if the total severity of the adverse actions do not exceed the level specified in subsection (a).

''(c) PROHIBITED PERSONNEL ACTION DESCRIBED.—A prohibited personnel action described in this subsection is any of the following actions:

''(1) Taking or failing to take a personnel action in violation of section 2302 of title 5 against an employee relating to the employee—

''(A) filing a whistleblower complaint in accordance with section 742 of this title;

''(B) filing a whistleblower complaint with the Inspector General of the Department, the Special Counsel, or Congress;

''(C) providing information or participating as a witness in an investigation of a whistleblower complaint in accordance with section 742 or with the Inspector General of the Department, the Special Counsel, or Congress;

''(D) participating in an audit or investigation by the Comptroller General of the United States;

''(E) refusing to perform an action that is unlawful or prohibited by the Department; or

''(F) engaging in communications that are related to the duties of the position or are otherwise protected.

''(2) Preventing or restricting an employee from making an action described in any of subparagraphs (A) through (F) of paragraph (1).

''(3) Conducting a peer review or opening a retaliatory investigation relating to an activity of an employee that is protected by section 2302 of title 5.

''(4) Requesting a contractor to carry out an action that is prohibited by section 4705(b) or section 4712(a)(1) of title 41, as the case may be.

''§ 744. Evaluation criteria of supervisors and treatment of bonuses

''(a) EVALUATION CRITERIA.—(1) In evaluating the performance of supervisors of the Department, the Secretary shall include the criteria described in paragraph (2).

''(2) The criteria described in this subsection are the following:

''(A) Whether the supervisor treats whistleblower complaints in accordance with section 742.

''(B) Whether the appropriate deciding official, performance review board, or performance review committee determines that the supervisor was found to have committed a prohibited personnel action described in section 743(b) by an administrative judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or, in the case of a settlement of a whistleblower complaint (regardless of whether any fault was assigned under such settlement), the Secretary.

''(b) BONUSES.—(1) The Secretary may not pay to a supervisor described in subsection (a)(2)(B) an award or bonus under this title or title 5, including under chapter 45 or 53 of such title, during the one-year period beginning on the date on which the determination was made under such subsection.

''(2) Notwithstanding any other provision of law, the Secretary shall issue an order directing a supervisor described in subsection (a)(2)(B) to repay the amount of any award or bonus paid under this title or title 5, including under chapter 45 or 53 of such title, if—

''(A) such award or bonus was paid for performance during a period in which the supervisor committed a prohibited personnel action as determined pursuant to such subsection (a)(2)(B);

''(B) the Secretary determines such repayment appropriate pursuant to regulations prescribed by the Secretary to carry out this section; and

''(C) before such order is made, the supervisor is afforded—

''(i) notice of the order and an opportunity to respond to the order; and

''(ii) an opportunity to appeal the order to another department or agency of the Federal Government, except that any such department or agency shall issue a final decision with respect to such appeal not later than the date that is 30 days after the date the department or agency received such appeal.

''§ 745. Training regarding whistleblower complaints

''(a) TRAINING.—The Secretary, in coordination with the Whistleblower Protection Ombudsman designated under section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.), shall annually provide to each employee of the Department training regarding whistleblower complaints, including—

''(1) an explanation of each method established by law in which an employee may file a whistleblower complaint;

''(2) an explanation of prohibited personnel actions described by section 743(c) of this title;

''(3) with respect to supervisors, how to treat whistleblower complaints in accordance with section 742 of this title;

''(4) the right of the employee to petition Congress regarding a whistleblower complaint in accordance with section 7211 of title 5;

''(5) an explanation that the employee may not be prosecuted or reprised against for disclosing information to Congress in instances where such disclosure is permitted by law, including under sections 5701, 5705, and 7742 of this title, under section 552a of title 5 (commonly referred to as the Privacy Act), under chapter 93 of title 18, and pursuant to regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191);

''(6) an explanation of the language that is required to be included in all nondisclosure policies, forms, and agreements pursuant to section 115(a)(1) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note); and

''(7) the right of contractors to be protected from reprisal for the disclosure of certain information under section 4705 or 4712 of title 41.

''(b) CERTIFICATION.—The Secretary shall annually provide training on merit system protection in a manner that the Special Counsel certifies as being satisfactory.

''(c) PUBLICATION.—(1) The Secretary shall publish on the Internet website of the Department, and display prominently at each facility of the Department, the rights of an employee to file a whistleblower complaint, including the information described in paragraphs (1) through (7) of subsection (a).

''(2) The Secretary shall publish on the Internet website of the Department, the whistleblower complaint form described in section 742(g)(2).

''§ 746. Notice to Congress

''Not later than 30 days after the date on which the Secretary receives from the Special Counsel information relating to a whistleblower complaint pursuant to section 1213 of title 5, the Secretary shall notify the Committees on Veterans' Affairs of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate of such information, including the determination made by the Special Counsel.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—Such chapter is further amended by inserting before section 701 the following:

''SUBCHAPTER I—GENERAL EMPLOYEE MATTERS''.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(A) by inserting before the item relating to section 701 the following new item:

''SUBCHAPTER I—GENERAL EMPLOYEE MATTERS'';

and

(B) by adding at the end the following new items:

''SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

''741. Whistleblower complaint defined.
''742. Treatment of whistleblower complaints.
''743. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints.
''744. Evaluation criteria of supervisors and treatment of bonuses.
''745. Training regarding whistleblower complaints.
''746. Notice to Congress.''.

SEC. 9. APPEALS REFORM.

(a) DEFINITIONS.—Section 101 of title 38, United States Code, is amended by adding at the end the following new paragraphs:

''(34) The term 'Agency of Original Jurisdiction' means the activity which entered the original determination with regard to a claim for benefits under this title.

''(35) The term 'relevant evidence' means evidence that tends to prove or disprove a matter in issue.''.

(b) NOTICE TO CLAIMANTS OF REQUIRED INFORMATION AND EVIDENCE.—Section 5103 of title 38, United States Code, is amended—

(1) in subsection (a)(2)(B)(i) by striking '', a claim for reopening a prior decision on a claim, or a claim for an increase in benefits;'' and inserting ''or a supplemental claim;''; and

(2) in subsection (b) by adding at the end the following new paragraph:

''(6) Nothing in this section shall require notice to be sent for a supplemental claim that is filed within the timeframe set forth in subsections (a)(2)(B) and (a)(2)(D) of section 5110 of this title.''.

(c) RULE WITH RESPECT TO DISALLOWED CLAIMS.—Section 5103A(f) of title 38, United States Code, is amended to read as follows:

''(f) RULE WITH RESPECT TO DISALLOWED CLAIMS.—Nothing in this section shall be construed to require the Secretary to readjudicate a claim that has been disallowed except when new and relevant evidence is presented or secured, as described in section 5108 of this title.''.

(d) OTHER MATTERS.—Chapter 51 of title 38, United States Code, is amended by inserting after section 5103A the following new sections:

''§ 5103B. Applicability of duty to assist

''(a) TIME FRAME.—The Secretary's duty to assist under section 5103A of this title shall

apply only to a claim, or supplemental claim, for a benefit under a law administered by the Secretary until the time that a claimant is provided notice of the decision of the agency of original jurisdiction decision with respect to such claim, or supplemental claim, under section 5104 of this title.

''(b) NON-APPLICABILITY TO CERTAIN REVIEWS AND APPEALS.—The Secretary's duty to assist under section 5103A of this title shall not apply to higher-level review by the agency of original jurisdiction, pursuant to section 5104B of this title, or to review on appeal by the Board of Veterans' Appeals.

''(c) CORRECTION OF DUTY TO ASSIST ERRORS.—(1) If, during review of the decision of the agency of original jurisdiction under section 5104B of this title, the higher-level reviewer identifies an error on the part of the agency of original jurisdiction to satisfy its duties under section 5103A of this title, and that error occurred prior to the decision of the agency of original jurisdiction being reviewed, the higher-level reviewer shall return the claim for correction of such error and readjudication unless the claim can be granted in full.

''(2) If the Board, during review on appeal of a decision of the agency of original jurisdiction decision, identifies an error on the part of the agency of original jurisdiction to satisfy its duties under section 5103A of this title, and that error occurred prior to the decision of the agency of original jurisdiction on appeal, the Board shall remand the claim to the agency of original jurisdiction for correction of such error and readjudication unless the claim can be granted in full. Remand for correction of such error may include directing the agency of original jurisdiction to obtain an advisory medical opinion under section 5109 of this title.

''§ 5104A. Binding nature of favorable findings

''Any finding favorable to the claimant as described in section 5104(b)(4) of this title shall be binding on all subsequent adjudicators within the department, unless clear and convincing evidence is shown to the contrary to rebut such favorable finding.

''§ 5104B. Higher-level review by the agency of original jurisdiction

''(a) IN GENERAL.—The claimant may request a review of the decision of the agency of original jurisdiction by a higher-level adjudicator within the jurisdiction of the agency of original jurisdiction.

''(b) TIME AND MANNER OF REQUEST.—A request for higher-level review by the agency of original jurisdiction must be in writing in the form prescribed by the Secretary and made within one year of the notice of the decision of the agency of original jurisdiction. Such request may specifically indicate whether such review is requested by a higher-level adjudicator at the same office within the agency of original jurisdiction or by an adjudicator at a different office of the agency of original jurisdiction.

''(c) DECISION.—Notice of a higher-level review decision under this section shall be provided in writing.

''(d) EVIDENTIARY RECORD FOR REVIEW.—The evidentiary record before the higher-level reviewer shall be limited to the evidence of record in the decision of the agency of original jurisdiction being reviewed.

''(e) DE NOVO REVIEW.—Higher-level review under this section shall be de novo.''.

(e) NOTICE OF DECISIONS.—Section 5104(b) of title 38, United States Code, is amended to read as follows:

''(b) In any case where the Secretary denies a benefit sought, the notice required by subsection (a) shall also include—

''(1) identification of the issues adjudicated;

''(2) a summary of the evidence considered by the Secretary;

''(3) a summary of the applicable laws and regulations;

''(4) identification of findings favorable to the claimant;

''(5) identification of elements not satisfied leading to the denial;

''(6) an explanation of how to obtain or access evidence used in making the decision; and

''(7) if applicable, identification of the criteria that must be satisfied to grant service connection or the next higher level of compensation.''.

(f) SUPPLEMENTAL CLAIMS.—Section 5108 of title 38, United States Code, is amended to read as follows:

''§ 5108. Supplemental claims

''If new and relevant evidence is presented or secured with respect to a supplemental claim, the Secretary shall readjudicate the claim taking into consideration any evidence added to the record prior to the former disposition of the claim.''.

(g) REMANDS FOR MEDICAL OPINIONS.—Section 5109 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d) The Board of Veterans' Appeals may remand a claim to direct the agency of original jurisdiction to obtain an advisory medical opinion under this section to correct an error on the part of the agency of original jurisdiction to satisfy its duties under section 5103A of this title when such error occurred prior to the decision of the agency of original jurisdiction on appeal. The Board's remand instructions shall include the questions to be posed to the independent medical expert providing the advisory medical opinion.''.

(h) EFFECTIVE DATES OF AWARDS.—Section 5110 of title 38, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a)(1) Unless specifically provided otherwise in this chapter, the effective date of an award based on an initial claim, or a supplemental claim, of compensation, dependency and indemnity compensation, or pension, shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of application therefor.

''(2) For purposes of applying the effective date rules in this section, the date of application shall be considered the date of the filing of the initial application for a benefit provided that the claim is continuously pursued by filing any of the following either alone or in succession:

''(A) A request for higher-level review under section 5104B of this title within one year of an agency of original jurisdiction decision.

''(B) A supplemental claim under section 5108 of this title within one year of an agency of original jurisdiction decision.

''(C) A notice of disagreement within one year of an agency of original jurisdiction decision.

''(D) A supplemental claim under section 5108 of this title within one year of a decision of the Board of Veterans' Appeals.

''(3) Except as otherwise provided in this section, for supplemental claims received more than one year after an agency of original jurisdiction decision or a decision by the Board of Veterans' Appeals, the effective date shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of the supplemental claim.''; and

(2) in subsection (i) by—

(A) striking ''reopened'' and inserting ''readjudicated'';

(B) striking ''material'' and inserting ''relevant''; and

(C) striking ''reopening'' and inserting ''readjudication''.

(i) DEFINITION OF AWARD OR INCREASED REWARD.—Section 5111(d)(1) of title 38, United States Code, is amended by striking ''or reopened award;'' and inserting ''award or award based on a supplemental claim;''.

(j) RECOGNITION OF AGENTS AND ATTORNEYS GENERALLY.—Section 5904 of title 38, United States Code, is amended—

(1) in subsection (c)(1) by striking ''notice of disagreement is filed'' and inserting ''claimant is provided notice of the initial decision of the agency of original jurisdiction under section 5104 of this title''; and

(2) in subsection (c)(2) by striking ''notice of disagreement is filed'' and inserting ''claimant is provided notice of the initial decision of the agency of original jurisdiction under section 5104 of this title''.

(k) CORRECTION OF OBVIOUS ERRORS.—Section 7103 of title 38, United States Code, is amended—

(1) in subsection (b)(1)(A) by striking ''heard'' and inserting ''decided''; and

(2) in subsection (b)(1)(B) by striking ''heard'' and inserting ''decided''.

(l) JURISDICTION OF BOARD.—Section 7104(b) of title 38, United States Code, is amended by striking ''reopened'' and inserting ''readjudicated''.

(m) FILING OF APPEAL.—Section 7105 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the first sentence and inserting ''Appellate review will be initiated by the filing of a notice of disagreement in the form prescribed by the Secretary.''; and

(B) by striking ''hearing and'';

(2) by amending subsection (b) to read as follows:

''(b)(1) Except in the case of simultaneously contested claims, notice of disagreement shall be filed within one year from the date of the mailing of notice of the decision of the agency of original jurisdiction under section 5104, 5104B, or 5108 of this title. A notice of disagreement postmarked before the expiration of the one-year period will be accepted as timely filed. A question as to timeliness or adequacy of the notice of disagreement shall be decided by the Board.

''(2) Notices of disagreement must be in writing, must set out specific allegations of error of fact or law, and may be filed by the claimant, the claimant's legal guardian, or such accredited representative, attorney, or authorized agent as may be selected by the claimant or legal guardian. Not more than one recognized organization, attorney, or agent will be recognized at any one time in the prosecution of a claim. Notices of disagreement must be filed with the Board.

''(3) The notice of disagreement shall indicate whether the claimant requests a hearing before the Board, requests an opportunity to submit additional evidence without a Board hearing, or requests review by the Board without a hearing or submission of additional evidence. If the claimant does not expressly request a Board hearing in the notice of disagreement, no Board hearing will be held.'';

(3) by amending subsection (c) to read as follows:

''(c) If no notice of disagreement is filed in accordance with this chapter within the prescribed period, the action or decision of the agency of original jurisdiction shall become final and the claim will not thereafter be readjudicated or allowed, except as may otherwise be provided by section 5104B or 5108 of this title or regulations not inconsistent with this title.'';

(4) by striking subsections (d)(1) through (d)(5);

(5) by adding a new subsection (d) to read as follows:

''(d) The Board of Veterans' Appeals may dismiss any appeal which fails to allege specific error of fact or law in the decision being appealed.''; and

(6) by striking subsection (e).

(n) SIMULTANEOUSLY CONTESTED CLAIMS.—Subsection (b) of section 7105A of title 38, United States Code, is amended to read as follows:

''(b) The substance of the notice of disagreement shall be communicated to the other party or parties in interest and a period of 30 days shall be allowed for filing a brief or argument in response thereto. Such notice shall be forwarded to the last known address of record of the parties concerned, and such action shall constitute sufficient evidence of notice.''.

(o) ADMINISTRATIVE APPEALS.—Strike section 7106 of title 38, United States Code.

(p) DOCKETS AND HEARINGS.—Section 7107 of title 38, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

''(a) The Board shall maintain two separate dockets. A non-hearing option docket shall be maintained for cases in which no Board hearing is requested and no additional evidence will be submitted. A separate and distinct hearing option docket shall be maintained for cases in which a Board hearing is requested in the notice of disagreement or in which no Board hearing is requested, but the appellant requests, in the notice of disagreement, an opportunity to submit additional evidence. Except as provided in subsection (b), each case before the Board will be decided in regular order according to its respective place on the Board's non-hearing option docket or the hearing option docket.'';

(2) by amending subsection (b) to read as follows:

''(b) A case on either the Board's non-hearing option docket or hearing option docket, may, for cause shown, be advanced on motion for earlier consideration and determination. Any such motion shall set forth succinctly the grounds upon which the motion is based. Such a motion may be granted only—

''(1) if the case involves interpretation of law of general application affecting other claims;

''(2) if the appellant is seriously ill or is under severe financial hardship; or

''(3) for other sufficient cause shown.'';

(3) by amending subsection (c) to read as follows:

''(c)(1) For cases on the Board hearing option docket in which a hearing is requested in the notice of disagreement, the Board shall notify the appellant whether a Board hearing will be held—

''(A) at its principal location, or

''(B) by picture and voice transmission at a facility of the Department where the Secretary has provided suitable facilities and equipment to conduct such hearings.

''(2)(A) Upon notification of a Board hearing at the Board's principal location as described in subsection (c)(1)(A) of this section, the appellant may alternatively request a hearing as described in subsection (c)(1)(B) of this section. If so requested, the Board shall grant such request.

''(B) Upon notification of a Board hearing by picture and voice transmission as described in subsection (c)(1)(B) of this section, the appellant may alternatively request a hearing as described in subsection (c)(1)(A) of this section. If so requested, the Board shall grant such request.''; and

(4) by striking subsections (d) and (e) and redesignating subsection (f) as subsection (d).

(q) INDEPENDENT MEDICAL OPINIONS.—Strike section 7109 of title 38, United States Code.

(r) REVISION OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR.—Section 7111(e) of title 38, United States Code, is amended by striking ''merits, without referral to any adjudicative or hearing official acting on behalf of the Secretary.'' and inserting ''merits.''.

(s) EVIDENTIARY RECORD.—Chapter 71 of title 38, United States Code, is amended by adding the following new section:

''§ 7113. Evidentiary record before the board

''(a) NON-HEARING OPTION DOCKET.—For cases in which a Board hearing is not requested in the notice of disagreement, the evidentiary record before the Board shall be limited to the evidence of record at the time of the agency of original jurisdiction decision on appeal.

''(b) HEARING OPTION DOCKET.—(1) Except as provided in paragraph (2), for cases on the hearing option docket in which a hearing is requested in the notice of disagreement, the evidentiary record before the Board shall be limited to the evidence of record at the time of the agency of original jurisdiction decision on appeal.

''(2) The evidentiary record before the Board for cases on the hearing option docket in which a hearing is requested, shall include each of the following, which the Board shall consider in the first instance—

''(A) evidence submitted by the appellant and his or her representative, if any, at the Board hearing; and

''(B) evidence submitted by the appellant and his or her representative, if any, within 90 days following the Board hearing.

''(3)(A) Except as provided in subparagraph (B) of this paragraph, for cases on the hearing option docket in which a hearing is not requested in the notice of disagreement, the evidentiary record before the Board shall be limited to the evidence considered by the agency of original jurisdiction in the decision on appeal.

''(B) The evidentiary record before the Board for cases on the hearing option docket in which a hearing is not requested, shall include each of the following, which the Board shall consider in the first instance—

''(i) evidence submitted by the appellant and his or her representative, if any, with the notice of disagreement; and

''(ii) evidence submitted by the appellant and his or her representative, if any, within 90 days following receipt of the notice of disagreement.''.

(t) CONFORMING AMENDMENT.—The heading of section 7105 is amended by striking ''notice of disagreement and''.

(u) CLERICAL AMENDMENTS.—

(1) CHAPTER 51.—The table of sections at the beginning of chapter 51 of title 38, United States Code, is amended—

(A) by inserting after the item relating to section 5103A the following new item:

''5103B. Applicability of duty to assist.'';

and

(B) by inserting after the item relating to section 5104 the following new items:

''5104A. Binding nature of favorable findings.
''5104B. Higher-level review by the agency of original jurisdiction.'';

and

(C) by striking the item relating to section 5108 and inserting the following new item:

''5108. Supplemental claims.''.

(2) CHAPTER 71.—The table of sections at the beginning of chapter 71 of title 38, United States Code, is amended—

(A) by striking the item relating to section 7105 and inserting the following new item:

''7105. Filing of appeal.'';

(B) by striking the item relating to section 7106;

(C) by striking the item relating to section 7109; and

(D) by adding at the end the following new item:

''7113. Evidentiary record before the Board.''.

SEC. 10. LIMITATION ON AWARDS AND BONUSES PAID TO SENIOR EXECUTIVE EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

Section 705 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 703 note) is amended by striking the period at the end and inserting the following: '', except that during each of fiscal years 2017 through 2021, no award or bonus may be paid to any employee of the Department of Veterans Affairs who is a member of the Senior Executive Service.''.

The Acting CHAIR. No amendment to the bill shall be in order except those printed in House Report 114–742. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. MILLER OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 114–742.

Mr. MILLER of Florida. Mr. Chairman, I rise to offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, beginning on line 16, strike ''under section 7701 of title 5''.

Page 11, strike lines 11 through 14 and insert the following:

''(B) before such order is made, the individual is afforded—

''(i) notice of the order and an opportunity to respond to the order; and

''(ii) an opportunity to appeal the order to another department or agency of the Federal Government.''.

Page 14, strike lines 20 through 23 and insert the following:

''(2) before such repayment, the employee is afforded—

''(A) notice of the order and an opportunity to respond to the order; and

''(B) an opportunity to appeal the order to another department or agency of the Federal Government.''.

Page 20, line 8, insert ''consistent with paragraph (3),'' before ''may''.

Page 20, after line 11, insert the following:

''(3) An appeal of a personnel action pursuant to paragraph (2)(A) must be filed with the Senior Executive Disciplinary Appeals Board not later than the date that is seven days after the date of such action. If such appeal is not made within the seven-day period, the personnel action shall be final and not subject to further appeal.''.

Page 29, strike lines 13 through 18 and insert the following:

''(2)(A) Except as provided by subparagraph (B), with respect to a supervisory employee subject to an adverse action under this section who is—

''(i) an individual as that term is defined in section 715(i)(1) of this title, the procedures under subsections (d) and (e) of section 715 of this title shall apply; and

''(ii) an individual as that term is defined in section 713(g)(1) of this title, the procedures under section 713(d) of this title shall apply.''.

Page 29, line 21, strike ''five days'' and insert ''ten days''.

Page 30, line 2, strike ''five-day'' and insert ''ten-day''.

Page 33, line 17, strike ''except that'' and all that follows through the period on line 21 and insert ''except that—''

(I) any such department or agency shall issue a final decision with respect to such appeal not later than the date that is 30 days after the date the department or agency received such appeal; and

(II) if such a final decision is not made by the applicable department or agency within 30 days after receiving such appeal, the order of the Secretary shall be final and not subject to further appeal.

Page 34, line 19, strike ''7742'' and insert ''7332''.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from Florida (Mr. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chairman, specifically, this would provide technical, conforming, and clarifying language changes to the bill while not changing the substance of the bill. It would also align the pre-notice and due process language on three of the sections relating to bonus, pension, and relocation expenses. And it would also align the pre-notice requirements for whistleblower retaliators who are receiving an adverse action to the same amount of time as other disciplinary actions in the bill.

This amendment is noncontroversial, it doesn't cost a penny, and it doesn't change any of the underlying policy.

I urge adoption of the amendment.

I reserve the balance of my time.

Mr. TAKANO. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. TAKANO. Mr. Chair, this amendment really changes nothing favorably, from our point of view, in H.R. 5620. It does not cure the fundamental flaws in the bill which relate to its possible unconstitutionality, and, therefore, I will oppose the amendment.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I am very sorry that my good friend would oppose something as simple as a technical and conforming amendment, but I accept this opposition.

I reserve the balance of my time.

Mr. TAKANO. Mr. Chair, I have no further comments, and I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Chair, I urge adoption of my amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MILLER).

The amendment was agreed to.

□ 1815

AMENDMENT NO. 2 OFFERED BY MR. WALZ

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 114–742.

Mr. WALZ. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1, line 5, strike ''VA Accountability First and''.

Page 2, beginning line 3, strike sections 2 through 8.

Page 53, beginning line 14, strike section 10.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from Minnesota (Mr. WALZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. Mr. Chairman, I have three amendments that are coming up. On this first one, I am going to yield time to my colleague, who is the author of the original bill.

I just wanted to say, first of all, in appreciation to the chairman of the full committee, the bipartisan manner of approaching this is in the long tradition of the House Veterans' Affairs Committee. It is also in the long tradition of the chairman himself, welcoming ideas, trying to strike balances, having legitimate differences that are meant to be discussed—for that, I am grateful—and also for restoring regular order.

Making our amendments in order to try to improve upon a bill is something that is a time-honored tradition here. Unfortunately, it has not been the norm. So the chairman's leadership on that issue is greatly appreciated.

This amendment I want to be very clear about when the gentlewoman from Nevada (Ms. TITUS) talks about it.

The amendment does not disagree with the basic premise of the reform. There are legitimate differences amongst us here. We will work those out. But it is a harsh reality that we don't have a Senate companion on this. The chance that the White House is going to sign the reform piece into law is nonexistent. But there is a piece of this that is noncontroversial that is critically important, and that is the appeals process.

The ranking member, under the leadership of Ms. TITUS, has recognized this as an issue, brought about bipartisan solutions to it; and it can be passed and be signed by the President and be positively affecting veterans right away.

That doesn't diminish the need for the reforms. It doesn't question the value of the things that are being brought forward. It is a political reality that we are better off to move on a piece we know can be signed into law than to wait for something that can't.

Mr. Chair, I yield such time as she may consume to the gentlewoman from Nevada (Ms. TITUS), the author of this legislation.

Ms. TITUS. I thank my friend from Minnesota (Mr. WALZ) for yielding to me and for helping me with this amendment.

Mr. Chair, this is very simple. It would just remove all of the accountability provisions from the bill and give the House an opportunity to send a clean reform bill to the Senate.

While we all agree that accountability for employees at the VA is critical, we should separate these two issues, pass appeals reform, and then work in a bipartisan manner on the accountability issues.

Rather than send another accountability bill to the Senate, which is opposed by the administration, we should pass this amendment and send to the President a clean bill that can be signed right away and fix this deeply flawed, old, outdated appeals process.

I am proud to have worked with various VSOs and the VA to develop the overhaul of appealing VA benefits claims. As I said earlier, the current system is broken, and every day it gets worse. More appeals are added to the backlog. It has ballooned to 450,000 claims. If we don't act now, veterans will soon have to wait a decade before their appeals can be adjudicated.

Passing this amendment will allow us to address this growing problem now instead of subjecting our veterans not to good policy, but to bad politics.

Mr. WALZ. Mr. Chair, I want to, again, thank the chairman.

This is not an attempt to derail the reforms. It is an attempt to try to get something passed and done immediately. I certainly welcome the chairman's advice, guidance, suggestions on ways that we can make that happen in the most expedient manner.

Mr. Chair, I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

Before I begin, let me say I believe that there is only one piece of legislation that has been filed at this point in the Senate that deals with—I know there are folks that have been talking about it—appeals reform, and that is Senator RUBIO. Senator RUBIO has the companion to this piece of legislation that has been filed in the Senate.

As has already been stated, this removes every section from the underlying bill, except for the appeals modernization. It would strike out all the accountability provisions, many of which have already passed this House of Representatives.

The underlying bill already includes revised accountability language that would make significant concessions towards the minority's position as it relates to due process. And I don't believe anybody on the minority side can say that this doesn't.

I believe that any reform that passes this Congress is doomed to fail if we don't provide the Secretary of the Department of Veterans Affairs with the

authority he needs to swiftly and fairly discipline employees.

If this amendment passes, the same antiquated and broken civil service system will remain in place.

As I have already said, 18 VSOs believe the accountability provisions are critical to the success of reforming the Department of Veterans Affairs.

From the VFW:

For far too long, underperforming employees have been allowed to continue working at VA simply because the processes for removal are so protracted.

The VFW believes that employees should have some layer of protection, but that true accountability must be enforced for those who willfully fail to meet the standard.

This is critical to ensuring that VA consistently provides the highest quality services, as continuing to restore veterans' faith in the Department.

From the American Legion:

Veterans deserve a first-rate agency to provide for their needs, and the VA is an excellent agency that is, unfortunately, marred from time to time by bad actors that the complicated system of discipline makes it difficult to remove.

Legislation to improve that process and make it easier to deal with these few problem employees would help restore trust.

In short, our VSOs understand how critical both of the appeals and accountability provisions are, and we should listen to them.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. WALZ).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TAKANO. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. TAKANO

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 114–742.

Mr. TAKANO. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 3 and insert the following:

SEC. 3. SUSPENSION AND REMOVAL OF DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES FOR PERFORMANCE OR MISCONDUCT THAT IS A THREAT TO PUBLIC HEALTH OR SAFETY.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding after section 713 the following new section:

''§ 715. Employees: suspension and removal for performance or misconduct that is a threat to public health or safety

''(a) SUSPENSION AND REMOVAL.—Subject to subsections (b) and (c), the Secretary may—

''(1) suspend without pay an employee of the Department of Veterans Affairs if the Secretary determines the performance or misconduct of the employee is a threat to public health or safety, including the health and safety of veterans; and

''(2) remove an employee suspended under paragraph (1) when, after such investigation and review as the Secretary considers necessary, the Secretary determines that removal is necessary in the interests of public health or safety.

''(b) PROCEDURE.—An employee suspended under subsection (a)(1) is entitled, after suspension and before removal, to—

''(1) within 30 days after suspension, a written statement of the specific charges against the employee, which may be amended within 30 days thereafter;

''(2) an opportunity within 30 days thereafter, plus an additional 30 days if the charges are amended, to answer the charges and submit affidavits;

''(3) a hearing, at the request of the employee, by a Department authority duly constituted for this purpose;

''(4) a review of the case by the Secretary, before a decision adverse to the employee is made final; and

''(5) written statement of the decision of the Secretary.

''(c) RELATION TO OTHER DISCIPLINARY RULES.—The authority provided under this section shall be in addition to the authority provided under section 713 and title 5 with respect to disciplinary actions for performance or misconduct.

''(d) BACK PAY FOR WHISTLEBLOWERS.—If any employee of the Department of Veterans Affairs is subject to a suspension or removal under this section and such suspension or removal is determined by an appropriate authority under applicable law, rule, regulation, or collective bargaining agreement to be a prohibited personnel practice described under section 2302(b)(8) or (9) of title 5, such employee shall receive back pay equal to the total amount of basic pay that such employee would have received during the period that the suspension and removal (as the case may be) was in effect, less any amounts earned by the employee through other employment during that period.

''(e) DEFINITIONS.—In this section, the term 'employee' means any individual occupying a position within the Department of Veterans Affairs under a permanent or indefinite appointment and who is not serving a probationary or trial period.''.

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 713 the following new item:

''715. Employees: suspension and removal for performance or misconduct that is a threat to public health or safety.''.

(2) CONFORMING.—Section 4303(f) of title 5, United States Code, is amended—

(A) by striking ''or'' at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting '', or''; and

(C) by adding at the end the following:

''(4) any suspension or removal under section 715 of title 38.''.

(c) REPORT ON SUSPENSIONS AND REMOVALS.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on suspensions and removals of employees of the Department made under section 715 of title 38, United States Code, as added by subsection (a). Such report shall include, with respect to the period covered by the report, the following:

(1) The number of employees who were suspended under such section.

(2) The number of employees who were removed under such section.

(3) A description of the threats to public health or safety that caused such suspensions and removals.

(4) The number of such suspensions or removals, or proposed suspensions or removals, that were of employees who filed a complaint regarding—

(A) an alleged prohibited personnel practice committed by an officer or employee of the Department and described in section 2302(b)(8) or 2302(b)(9)(A)(i), (B), (C), or (D) of title 5, United States Code; or

(B) the safety of a patient at a medical facility of the Department.

(5) Of the number of suspensions and removals listed under paragraph (4), the number that the Inspector General considers to be retaliation for whistleblowing.

(6) The number of such suspensions or removals that were of an employee who was the subject of a complaint made to the Department regarding the health or safety of a patient at a medical facility of the Department.

(7) Any recommendations by the Inspector General, based on the information described in paragraphs (1) through (6), to improve the authority to make such suspensions and removals.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from California (Mr. TAKANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. TAKANO. Mr. Chair, I rise in support of my amendment, which would ensure that any VA employee whose performance or misconduct threatens public health or safety, including the health and safety of veterans, be immediately suspended without pay.

Specifically, it replaces section 3 of H.R. 5620 with a new provision allowing the Secretary to take lawful and abrupt action in extreme cases in which immediate action is warranted.

My amendment would also give the Secretary the authority to remove a suspended employee, after a thorough investigation and review, if the Secretary determines removal is in the interest of public health and safety.

Both parties share the desire to protect veterans from mistreatment or harm, especially when they are seeking medical care at a VA hospital, but the current language in this bill will not accomplish that goal.

The process for removing dangerous employees in H.R. 5620 is unconstitutional, and any action it authorized against underperforming VA employees would not hold up in court. Instead of achieving the majority's stated outcome of removing VA employees whose misconduct harms veterans, this bill would produce expensive legal costs, and it would fail to hold bad employees accountable.

My amendment is specifically designed to make sure the Secretary has the authority to immediately suspend any VA employee whose behavior threatens the health and safety of veterans and that the suspended employee receives no pay while the investigation is carried out.

I urge my colleagues to support the amendment.

Mr. Chair, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the ranking member's attempt to insert what he thinks is the appropriate balance of due process and accountability, but this confusing language fails to achieve a balance. What it actually does is it strikes the entire accountability section and inserts an entirely new process for the discipline of non-SES employees.

It would be convoluted, at best, and seemingly stricter than current law, but the most troubling change that this amendment would make would be to change the standard to discipline VA employees from performance or misconduct.

The amendment would change it to a direct threat to public health or safety, which it would be nearly unobtainable, if not an immeasurable bar to reach.

It would also, more than likely, not apply to some of the employees who have been associated with VA's most egregious scandals recently. It would not do anything for those who were involved in the bloated Denver, Colorado, hospital construction project which was over $1 billion over budget, or the data manipulation at the Philadelphia regional office, or the $2.5 billion budget shortfall for fiscal year 2015, or the cost overruns of the Orlando VA Medical Center, or the allegations of inappropriate use of government purchase cards to the tune of $6 billion, and many, many others. These are the types of employees that our constituents and our veterans expect to be held accountable, but this amendment would not cover disciplinary action against them.

It would allow for employees to be on indefinite suspension for months, if not years, awaiting the Secretary's final decision, which is not fair to the veterans, the employee, the good-performing employees, or our taxpayers. VA is unable to backfill while the disciplinary actions are on appeal.

In the end, the question is clear: Do we want to stand with the veterans and the taxpayers and provide the VA the appropriate tools to hold employees accountable, or do we want to give in to special interest groups and unions that support only the status quo?

I would hope that for all Members, that is an easy question to answer.

I urge all Members to oppose the Takano amendment and support the underlying bill.

Mr. Chair, I reserve the balance of my time.

Mr. TAKANO. Mr. Chair, I would like to say that we on this side of the aisle do stand with veterans, and we do stand for accountability, and we do stand with the taxpayers. And that is precisely why we must oppose the unconstitutional provisions in H.R. 5620 for removing dangerous employees.

The current provisions we do believe are unconstitutional; and that is why, in the end, it will not protect veterans. Actually, it harms them more because these employees will be reinstated after the courts find the provisions that they were dismissed under—this bill, under this law, would be found unconstitutional, and they would be reinstated and a lot of taxpayer money would be wasted.

Yes, we stand with the veteran. Yes, we stand for the taxpayer. Yes, we stand for accountability.

I urge my colleagues to support my amendment, therefore, because we replace it with a constitutional alternative.

Mr. Chair, I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. TAKANO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TAKANO. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

□ 1830

AMENDMENT NO. 4 OFFERED BY MS. MICHELLE LUJAN GRISHAM OF NEW MEXICO

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 114–742.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 2, after ''Representatives'' insert the following: ''and to each Member of Congress representing a district in the State or territory where the facility where the individual was employed immediately before being removed or demoted is located''.

Page 5, line 22, after ''Representatives'' insert the following: ''and to each Member of Congress representing a district in the State or territory where the facility where the individual was employed immediately before being removed or demoted is located''.

Page 25, line 17, strike ''to the supervisor of the director or official.'' and insert ''to—''

''(A) the supervisor of the director or official;

''(B) the Committees on Veterans' Affairs of the Senate and House or Representatives; and

''(C) each Member of Congress representing a district in the State or territory where the facility where the supervisor is employed is located.''.

Page 36, line 5, after ''Senate'' insert the following: ''and each Member of Congress representing a district in the State or territory where a facility relevant to the whistleblower complaint is located''.

The Acting CHAIR. Pursuant to House Resolution 859, the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chairman, as I am sure you have heard, my amendment, as many others, is simple. It ensures that, one, Members of Congress know when Veterans Administration employees are fired or demoted at VA facilities in their district for misconduct or poor performance; and, two, that Members are aware of whistleblowers' complaints from VA employees in their districts and how they are, in fact, being handled.

Congress cannot solve the issues at the VA that it does not know about. Even though I have met with and listened to countless VA employees, veterans, and family members since I was elected to Congress, my office not only continues to hear about the same problems that have gone unaddressed, but also about new issues all the time. In fact, I have more constituent casework regarding issues at the VA than any other Federal agency, and there are likely many more veterans and VA employees who are dealing with serious issues that I may never hear about.

Lastly, I share frustrations with Members on both sides of the aisle for the lack of followup about what the VA is doing to both investigate allegations about misconduct and hold responsible employees accountable.

Members of Congress deserve to know about potential issues at VA health facilities in their communities and what the VA is doing to address them. My amendment would increase congressional oversight and transparency of the VA. It also helps to ensure that veterans receive the timely, quality care that they have earned.

Mr. Chairman, I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, again, as has already been stated by the author of the amendment, this would require VA to notify the appropriate Member of Congress when the new accountability process is used or to remove or demote an employee who works for the VA at a facility in that Member's district.

I think this is an excellent suggestion that would improve transparency,

something that is most needed at the Department of Veterans Affairs. It has my full support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. KUSTER

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 114–742.

Ms. KUSTER. Mr. Chair, I rise to speak in favor of my amendment No. 5, to improve the accountability provisions found within H.R. 5620.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 7 and insert the following:

SEC. 7. IMPROVED AUTHORITIES OF SECRETARY OF VETERANS AFFAIRS TO IMPROVE ACCOUNTABILITY OF SENIOR EXECUTIVES.

(a) ACCOUNTABILITY OF SENIOR EXECUTIVES.—

(1) IN GENERAL.—Section 713 of title 38, United States Code, is amended to read as follows:

''§ 713. Accountability of senior executives

''(a) AUTHORITY.—(1) The Secretary may, as provided in this section, reprimand or suspend, involuntarily reassign, demote, or remove a covered individual from a senior executive position at the Department if the Secretary determines that the misconduct or performance of the covered individual warrants such action.

''(2) If the Secretary so removes such an individual, the Secretary may remove the individual from the civil service (as defined in section 2101 of title 5).

''(b) RIGHTS AND PROCEDURES.—(1) A covered individual who is the subject of an action under subsection (a) is entitled to—

''(A) be represented by an attorney or other representative of the covered individual's choice;

''(B) not fewer than 10 business days advance written notice of the charges and evidence supporting the action and an opportunity to respond, in a manner prescribed by the Secretary, before a decision is made regarding the action; and

''(C) grieve the action in accordance with an internal grievance process that the Secretary, in consultation with the Assistant Secretary for Accountability and Whistleblower Protection, shall establish for purposes of this subsection.

''(2)(A) The Secretary shall ensure that the grievance process established under paragraph (1)(C) takes fewer than 21 days.

''(B) The Secretary shall ensure that, under the process established pursuant to paragraph (1)(C), grievances are reviewed only by employees of the Department.

''(3) A decision or grievance decision under paragraph (1)(C) shall be final and conclusive.

''(4) A covered individual adversely affected by a final decision under paragraph (1)(C) may obtain judicial review of the decision.

''(5) In any case in which judicial review is sought under paragraph (4), the court shall review the record and may set aside any Department action found to be—

''(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with a provision of law;

''(B) obtained without procedures required by a provision of law having been followed; or

''(C) unsupported by substantial evidence.

''(c) RELATION TO OTHER PROVISIONS OF LAW.—(1) The authority provided by subsection (a) is in addition to the authority provided by section 3592 or subchapter V of chapter 75 of title 5.

''(2) Section 3592(b)(1) of title 5 and the procedures under section 7543(b) of such title do not apply to an action under subsection (a).

''(d) DEFINITIONS.—In this section:

''(1) The term 'covered individual' means—

''(A) a career appointee (as that term is defined in section 3132(a)(4) of title 5); or

''(B) any individual who occupies an administrative or executive position and who was appointed under section 7306(a) or section 7401(1) of this title.

''(2) The term 'misconduct' includes neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

''(3) The term 'senior executive position' means—

''(A) with respect to a career appointee (as that term is defined in section 3132(a) of title 5), a Senior Executive Service position (as such term is defined in such section); and

''(B) with respect to a covered individual appointed under section 7306(a) or section 7401(1) of this title, an administrative or executive position.''.

(2) CONFORMING AMENDMENT.—Section 7461(c)(1) of such title is amended by inserting ''employees in senior executive positions (as defined in section 713(d) of this title) and'' before ''interns''.

(b) PERFORMANCE MANAGEMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall establish a performance management system for employees in senior executive positions, as defined in section 713(d) of title 38, United States Code, as amended by subsection (a), that ensures performance ratings and awards given to such employees—

(A) meaningfully differentiate extraordinary from satisfactory contributions; and

(B) substantively reflect organizational achievements over which the employee has responsibility and control.

(2) REGULATIONS.—The Secretary shall prescribe regulations to carry out paragraph (1).

The Acting CHAIR. Pursuant to House Resolution 859, the gentlewoman from New Hampshire (Ms. KUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

Ms. KUSTER. Mr. Chair, I believe accountability of senior executives at the VA is of great importance.

In recent years, administration of the Department of Veterans Affairs has come under intense public scrutiny. What Congress and the American people learned was that, while the vast majority of officials at the VA are selfless public servants who do their utmost to deliver quality health care to our veterans, there are some who hamper our ability as a country to care for our veterans.

It is our duty to ensure that our veterans receive the best possible care and benefits they have earned through their service to our country. My amendment seeks to strengthen the legislation to ensure that we truly are improving accountability at the VA.

This amendment is the result of a bipartisan process that gives the VA appropriate tools to keep senior executives accountable in a way that is fair and constitutional. My amendment utilizes bipartisan language developed in the Senate for the Veterans First Act, which was supported by veterans service organizations, including the American Legion.

It is important to note that my amendment is not a significant departure from Chairman MILLER's language found in section 7 of the bill. Indeed, it also eliminates the expedited appeals process passed in the 2014 Veterans Choice Act, and it establishes stricter standards that require the VA to take more immediate action against senior executives that the agency has found to be incompetent or otherwise negligent in their duties to deliver high-quality services to our Nation's veterans.

However, there are some legal concerns about aspects of section 7 of the bill that could prevent it from passing future legal scrutiny. My amendment ensures our intention to enforce accountability is not derailed by constitutionality issues.

Unfortunately, the bill would enable an ad hoc disciplinary appeals board to hear an appeal to an adverse action. This section also contains an arbitrary deadline for the decision, which would impact an employee's due process rights as afforded by the U.S. Constitution.

My amendment would resolve this issue by making the VA Secretary responsible for ensuring the appeals process takes less than 21 days and by making the Secretary of the VA directly responsible. My amendment strengthens transparency of the process without compromising accountability.

I am additionally concerned that this same section of the bill could be leveraged against whistleblowers of the Department who are critical to bring about change in an agency that serves millions of veterans. The ad hoc nature of the board could be used to pick officials that might have predispositions against a potential whistleblower.

The requirement that this individual answer their notice of adverse action within 5 calendar days could be used strategically to make an honest and meritorious appeal harder to achieve. My amendment replaces the 5-calendar-day standard with a 10-business-day standard.

The lack of transparency and accountability in the VA is truly worrisome, and I share Chairman MILLER's concern that it is worrisome to the American public. I thank Mr. MILLER and my committee colleagues for tackling this issue with forthrightness.

My amendment seeks to improve the bill and ensures its efficacy in law. For those reasons, I urge my colleagues to vote in favor of the Kuster amendment.

I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Chair, while I understand what the gentlewoman is trying to accomplish, I do have to rise in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Chair, first of all, I have to rise in opposition because it doesn't provide the appropriate level of accountability for SES employees. It largely mimics the same SES accountability language that is already in the bill, with just a few exceptions.

The open-ended timeline defies the intent to quickly adjudicate these cases within a clear and concrete timeline to benefit both the VA and the employee, and that is what we are trying to get at.

The pre-decision due process that would be required would actually exceed the current practice of 5 days that the VA enacted after passage of the Choice Act. And I remind my good friend that the Choice Act passed both Chambers with a huge bipartisan majority.

When the President signed the bill, he said: ''Now, finally, we're giving the VA Secretary more authority to hold people accountable. We've got to give Bob the authority so that he can move quickly to remove senior executives who fail to meet the standards of conduct and competence that the American people demand. If you engage in an unethical practice, if you cover up a serious problem, you should be fired. Period. It shouldn't be that difficult.''

We should be trying to improve the culture at VA by increasing accountability, not by weakening it.

I urge all Members to oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New Hampshire (Ms. KUSTER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. KUSTER. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New Hampshire will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. TAKANO

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 114–742.

Mr. TAKANO. Mr. Chair, as the designee of the gentlewoman from Arizona (Mrs. KIRKPATRICK), I offer amendment No. 6.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 8 and insert the following:

SEC. 8. OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 323. Office of Accountability and Whistleblower Protection

''(a) ESTABLISHMENT.—There is established in the Department an office to be known as the Office of Accountability and Whistleblower Protection (in this section referred to as the 'Office').

''(b) HEAD OF OFFICE.—(1) The head of the Office shall be responsible for the functions of the Office and shall be appointed by the President pursuant to section 308(a) of this title.

''(2) The head of the Office shall be known as the 'Assistant Secretary for Accountability and Whistleblower Protection'.

''(3) The Assistant Secretary shall report directly to the Secretary on all matters relating to the Office.

''(4) Notwithstanding section 308(b) of this title, the Secretary may only assign to the Assistant Secretary responsibilities relating to the functions of the Office set forth in subsection (c).

''(c) FUNCTIONS.—(1) The functions of the Office are as follows:

''(A) Advising the Secretary on all matters of the Department relating to accountability, including accountability of employees of the Department, retaliation against whistleblowers, and such matters as the Secretary considers similar and affect public trust in the Department.

''(B) Issuing reports and providing recommendations related to the duties described in subparagraph (A).

''(C) Receiving whistleblower disclosures.

''(D) Referring whistleblower disclosures received under subparagraph (C) for investigation to the Office of the Medical Inspector, the Office of Inspector General, or other investigative entity, as appropriate, if the Assistant Secretary has reason to believe the whistleblower disclosure is evidence of a violation of a provision of law, mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health and safety.

''(E) Receiving and referring disclosures from the Special Counsel for investigation to the Medical Inspector of the Department, the Inspector General of the Department, or such other person with investigatory authority, as the Assistant Secretary considers appropriate.

''(F) Recording, tracking, reviewing, and confirming implementation of recommendations from audits and investigations carried out by the Inspector General of the Department, the Medical Inspector of the Department, the Special Counsel, and the Comptroller General of the United States, including the imposition of disciplinary actions and other corrective actions contained in such recommendations.

''(G) Analyzing data from the Office and the Office of Inspector General telephone hotlines, other whistleblower disclosures, disaggregated by facility and area of health care if appropriate, and relevant audits and investigations to identify trends and issue reports to the Secretary based on analysis conducted under this subparagraph.

''(H) Receiving, reviewing, and investigating allegations of misconduct, retaliation, or poor performance involving—

''(i) an individual in a senior executive position (as defined in section 713(d) of this title) in the Department;

''(ii) an individual employed in a confidential, policy-making, policy-determining, or policy-advocating position in the Department; or

''(iii) a supervisory employee, if the allegation involves retaliation against an employee for making a whistleblower disclosure.

''(I) Making such recommendations to the Secretary for disciplinary action as the Assistant Secretary considers appropriate after substantiating any allegation of misconduct or poor performance pursuant to an investigation carried out as described in subparagraph (F) or (H).

''(2) In carrying out the functions of the Office, the Assistant Secretary shall ensure that the Office maintains a toll-free telephone number and Internet website to receive anonymous whistleblower disclosures.

''(3) In any case in which the Assistant Secretary receives a whistleblower disclosure from an employee of the Department under paragraph (1)(C), the Assistant Secretary may not disclose the identity of the employee without the consent of the employee, except in accordance with the provisions of section 552a of title 5, or as required by any other applicable provision of Federal law.

''(d) STAFF AND RESOURCES.—The Secretary shall ensure that the Assistant Secretary has such staff, resources, and access to information as may be necessary to carry out the functions of the Office.

''(e) RELATION TO OFFICE OF GENERAL COUNSEL.—The Office shall not be established as an element of the Office of the General Counsel and the Assistant Secretary may not report to the General Counsel.

''(f) REPORTS.—(1)(A) Not later than June 30 of each calendar year, beginning with June 30, 2017, the Assistant Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the activities of the Office during the calendar year in which the report is submitted.

''(B) Each report submitted under subparagraph (A) shall include, for the period covered by the report, the following:

''(i) A full and substantive analysis of the activities of the Office, including such statistical information as the Assistant Secretary considers appropriate.

''(ii) Identification of any issues reported to the Secretary under subsection (c)(1)(G), including such data as the Assistant Secretary considers relevant to such issues and any trends the Assistant Secretary may have identified with respect to such issues.

''(iii) Identification of such concerns as the Assistant Secretary may have regarding the size, staffing, and resources of the Office and such recommendations as the Assistant Secretary may have for legislative or administrative action to address such concerns.

''(iv) Such recommendations as the Assistant Secretary may have for legislative or administrative action to improve—

''(I) the process by which concerns are reported to the Office; and

''(II) the protection of whistleblowers within the Department.

''(v) Such other matters as the Assistant Secretary considers appropriate regarding the functions of the Office or other matters relating to the Office.

''(2) If the Secretary receives a recommendation for disciplinary action under subsection (c)(1)(I) and does not take or initiate the recommended disciplinary action before the date that is 60 days after the date on which the Secretary received the recommendation, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a detailed justification for not taking or initiating such disciplinary action.

''(g) DEFINITIONS.—In this section:

''(1) The term 'supervisory employee' means an employee of the Department who is a supervisor as defined in section 7103(a) of title 5.

''(2) The term 'whistleblower' means one who makes a whistleblower disclosure.

''(3) The term 'whistleblower disclosure' means any disclosure of information by an employee of the Department or individual applying to become an employee of the Department which the employee or individual reasonably believes evidences—

''(A) a violation of a provision of law; or

''(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

(b) CONFORMING AMENDMENT.—Section 308(b) of such title is amended by adding at the end the following new paragraph:

''(12) The functions set forth in section 323(c) of this title.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by adding at the end the following new item:

''323. Office of Accountability and Whistleblower Protection.''.

SEC. 9. PROTECTION OF WHISTLEBLOWERS IN DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is further amended by adding at the end the following new sections:

''§ 725. Protection of whistleblowers as criteria in evaluation of supervisors

''(a) DEVELOPMENT AND USE OF CRITERIA REQUIRED.—The Secretary, in consultation with the Assistant Secretary of Accountability and Whistleblower Protection, shall develop criteria that—

''(1) the Secretary shall use as a critical element in any evaluation of the performance of a supervisory employee; and

''(2) promotes the protection of whistleblowers.

''(b) PRINCIPLES FOR PROTECTION OF WHISTLEBLOWERS.—The criteria required by subsection (a) shall include principles for the protection of whistleblowers, such as the degree to which supervisory employees respond constructively when employees of the Department report concerns, take responsible action to resolve such concerns, and foster an environment in which employees of the Department feel comfortable reporting concerns to supervisory employees or to the appropriate authorities.

''(c) SUPERVISORY EMPLOYEE AND WHISTLEBLOWER DEFINED.—In this section, the terms 'supervisory employee' and 'whistleblower' have the meanings given such terms in section 323 of this title.

''§ 727. Training regarding whistleblower disclosures

''(a) TRAINING.—Not less frequently than once every two years, the Secretary, in coordination with the Whistleblower Protection Ombudsman designated under section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.), shall provide to each employee of the Department training regarding whistleblower disclosures, including—

''(1) an explanation of each method established by law in which an employee may file a whistleblower disclosure;

''(2) the right of the employee to petition Congress regarding a whistleblower disclosure in accordance with section 7211 of title 5;

''(3) an explanation that the employee may not be prosecuted or reprised against for disclosing information to Congress, the Inspector General, or another investigatory agency in instances where such disclosure is permitted by law, including under sections 5701, 5705, and 7732 of this title, under section 552a of title 5 (commonly referred to as the Privacy Act), under chapter 93 of title 18, and pursuant to regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191);

''(4) an explanation of the language that is required to be included in all nondisclosure policies, forms, and agreements pursuant to section 115(a)(1) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note); and

''(5) the right of contractors to be protected from reprisal for the disclosure of certain information under section 4705 or 4712 of title 41.

''(b) MANNER TRAINING IS PROVIDED.—The Secretary shall ensure, to the maximum extent practicable, that training provided under subsection (a) is provided in person.

''(c) CERTIFICATION.—Not less frequently than once every two years, the Secretary shall provide training on merit system protection in a manner that the Special Counsel certifies as being satisfactory.

''(d) PUBLICATION.—The Secretary shall publish on the Internet website of the Department, and display prominently at each facility of the Department, the rights of an employee to make a whistleblower disclosure, including the information described in paragraphs (1) through (5) of subsection (a).

''(e) WHISTLEBLOWER DISCLOSURE DEFINED.—In this section, the term 'whistleblower disclosure' has the meaning given such term in section 323 of this title.''.

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

''725. Protection of whistleblowers as criteria in evaluation of supervisors.

''727. Training regarding whistleblower disclosures.''.

SEC. 10. TREATMENT OF CONGRESSIONAL TESTIMONY BY DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES AS OFFICIAL DUTY.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is further amended by adding at the end the following new section:

''§ 729. Congressional testimony by employees: treatment as official duty

''(a) CONGRESSIONAL TESTIMONY.—An employee of the Department is performing official duty during the period with respect to which the employee is testifying in an official capacity in front of either chamber of Congress, a committee of either chamber of Congress, or a joint or select committee of Congress.

''(b) TRAVEL EXPENSES.—The Secretary shall provide travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, to any employee of the Department of Veterans Affairs performing official duty described under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 102, is further amended by inserting after the item relating to section 721 the following new item:

''Sec. 729. Congressional testimony by employees: treatment as official duty.''.

SEC. 11. REPORT ON METHODS USED TO INVESTIGATE EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) REPORT REQUIRED.—Not later than 540 days after the date of the enactment of this Act, the Assistant Secretary for Accountability and Whistleblower Protection shall submit to the Secretary, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives a report on methods used to investigate employees of the Department of Veterans Affairs and whether such methods are used to retaliate against whistleblowers.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the use of administrative investigation boards, peer review, searches of medical records, and other methods for investigating employees of the Department.

(2) A determination of whether and to what degree the methods described in paragraph (1) are being used to retaliate against whistleblowers.

(3) Recommendations for legislative or administrative action to implement safeguards to prevent the retaliation described in paragraph (2).

(c) WHISTLEBLOWER DEFINED.—In this section, the term ''whistleblower'' has the meaning given such term in section 323 of title 38, United States Code, as added by section 8.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from California (Mr. TAKANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

MODIFICATION TO AMENDMENT NO. 6 OFFERED BY MR. TAKANO

Mr. TAKANO. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 6 offered by Mr. TAKANO of California:

Page 23, after line 17, insert the following:

SEC. 8. OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 323. Office of Accountability and Whistleblower Protection

''(a) ESTABLISHMENT.—There is established in the Department an office to be known as the Office of Accountability and Whistleblower Protection (in this section referred to as the 'Office').

''(b) HEAD OF OFFICE.—(1) The head of the Office shall be responsible for the functions of the Office and shall be appointed by the President pursuant to section 308(a) of this title.

''(2) The head of the Office shall be known as the 'Assistant Secretary for Accountability and Whistleblower Protection'.

''(3) The Assistant Secretary shall report directly to the Secretary on all matters relating to the Office.

''(4) Notwithstanding section 308(b) of this title, the Secretary may only assign to the Assistant Secretary responsibilities relating to the functions of the Office set forth in subsection (c).

''(c) FUNCTIONS.—(1) The functions of the Office are as follows:

''(A) Advising the Secretary on all matters of the Department relating to accountability, including accountability of employees of the Department, retaliation against whistleblowers, and such matters as the Secretary considers similar and affect public trust in the Department.

''(B) Issuing reports and providing recommendations related to the duties described in subparagraph (A).

''(C) Receiving whistleblower complaints.

''(D) Referring whistleblower complaints received under subparagraph (C) for investigation to the Office of the Medical Inspector, the Office of Inspector General, or other investigative entity, as appropriate, if the Assistant Secretary has reason to believe the whistleblower complaint is evidence of a violation of a provision of law, mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health and safety.

''(E) Receiving and referring complaints from the Special Counsel for investigation to the Medical Inspector of the Department, the Inspector General of the Department, or such other person with investigatory authority, as the Assistant Secretary considers appropriate.

''(F) Recording, tracking, reviewing, and confirming implementation of recommendations from audits and investigations carried out by the Inspector General of the Department, the Medical Inspector of the Department, the Special Counsel, and the Comptroller General of the United States, including the imposition of disciplinary actions and other corrective actions contained in such recommendations.

''(G) Analyzing data from the Office and the Office of Inspector General telephone hotlines, other whistleblower complaints, disaggregated by facility and area of health care if appropriate, and relevant audits and investigations to identify trends and issue reports to the Secretary based on analysis conducted under this subparagraph.

''(H) Receiving, reviewing, and investigating allegations of misconduct, retaliation, or poor performance involving—

''(i) an individual in a senior executive position (as defined in section 713(d) of this title) in the Department;

''(ii) an individual employed in a confidential, policy-making, policy-determining, or policy-advocating position in the Department; or

''(iii) a supervisory employee.

''(I) Making such recommendations to the Secretary for disciplinary action as the Assistant Secretary considers appropriate after substantiating any allegation of misconduct or poor performance pursuant to an investigation carried out as described in subparagraph (F) or (H).

''(2) In carrying out the functions of the Office, the Assistant Secretary shall ensure that the Office maintains a toll-free telephone number and Internet website to receive anonymous whistleblower complaints.

''(3) In any case in which the Assistant Secretary receives a whistleblower complaint from an employee of the Department under paragraph (1)(C), the Assistant Secretary may not disclose the identity of the employee without the consent of the employee, except in accordance with the provisions of section 552a of title 5, or as required by any other applicable provision of Federal law.

''(d) RELATION TO OFFICE OF GENERAL COUNSEL.—The Office shall not be established as an element of the Office of the General Counsel and the Assistant Secretary may not report to the General Counsel.

''(e) REPORTS.—(1)(A) Not later than June 30 of each calendar year, beginning with June 30, 2017, the Assistant Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the activities of the Office during the calendar year in which the report is submitted.

''(B) Each report submitted under subparagraph (A) shall include, for the period covered by the report, the following:

''(i) A full and substantive analysis of the activities of the Office, including such statistical information as the Assistant Secretary considers appropriate.

''(ii) Identification of any issues reported to the Secretary under subsection (c)(1)(G), including such data as the Assistant Secretary considers relevant to such issues and any trends the Assistant Secretary may have identified with respect to such issues.

''(iii) Identification of such concerns as the Assistant Secretary may have regarding the size, staffing, and resources of the Office and such recommendations as the Assistant Secretary may have for legislative or administrative action to address such concerns.

''(iv) Such recommendations as the Assistant Secretary may have for legislative or administrative action to improve—

''(I) the process by which concerns are reported to the Office; and

''(II) the protection of whistleblowers within the Department.

''(v) Such other matters as the Assistant Secretary considers appropriate regarding the functions of the Office or other matters relating to the Office.

''(2) If the Secretary receives a recommendation for disciplinary action under subsection (c)(1)(I) and does not take or initiate the recommended disciplinary action before the date that is 60 days after the date on which the Secretary received the recommendation, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a detailed justification for not taking or initiating such disciplinary action.

''(f) DEFINITIONS.—In this section:

''(1) The term 'supervisory employee' means an employee of the Department who is a supervisor as defined in section 7103(a) of title 5.

''(2) The term 'whistleblower' means one who makes a whistleblower complaint.

''(3) The term 'whistleblower complaint' means any disclosure of information by an employee of the Department or individual applying to become an employee of the Department which the employee or individual reasonably believes evidences—

''(A) a violation of a provision of law; or

''(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

(b) CONFORMING AMENDMENT.—Section 308(b) of such title is amended by adding at the end the following new paragraph:

''(12) The functions set forth in section 323(c) of this title.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by adding at the end the following new item:

''323. Office of Accountability and Whistleblower Protection.''.

Mr. MILLER of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the reading be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

Mr. TAKANO. Mr. Chairman, I express my full support of Representative KIRKPATRICK's amendment to H.R. 5620. I would like to thank Chairman MILLER for working with Representative KIRKPATRICK to develop a bipartisan amendment we all can support.

Whistleblowers are critical to uncovering and eliminating misconduct and wrongdoing at the Department of Veterans Affairs. Without them, serious issues like those discovered at the Phoenix VA facility may never have been brought to our attention. The courageous VA employees who chose to speak out deserve our respect and protection. We must create an environment in which whistleblowers expect appreciation, not retribution. Representative KIRKPATRICK's amendment, which would create the VA Office of Accountability and Whistleblower Protection, will help us achieve that goal.

Representative KIRKPATRICK's amendment has been developed in consultation with the Office of Special Counsel and includes language from the Senate's bipartisan Veterans First Act. The amendment would create an independent VA Office of Accountability and Whistleblower Protection, which would report directly to the VA Secretary. The office would staff an anonymous hotline and refer whistleblower complaints to the appropriate office or entity for investigation and investigate allegations of misconduct, retaliation, or poor performance of senior executives and supervisors.

Mr. Chairman, this amendment will create an environment in which whistleblowers are protected and misconduct is more quickly discovered and eliminated. I urge my colleagues to support Representative KIRKPATRICK's amendment to H.R. 5620.

I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Chairman, I appreciate the gentlewoman from Arizona (Mrs. KIRKPATRICK) working with us to add the Office of Whistleblower Protection. It also does create an assistant secretary that would oversee this brand-new office.

I appreciate Mrs. KIRKPATRICK working with us on this amendment to better align it with the protections that are already in the bill. A portion of this amendment to create the new office already passed the House in H.R. 1994. This amendment now has my full support.

I urge my colleagues to agree and support it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentleman from California (Mr. TAKANO).

The amendment, as modified, was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. NEWHOUSE

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 114–742.

Mr. NEWHOUSE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following new section:

SEC. 11. CLARIFICATION OF EMERGENCY HOSPITAL CARE FURNISHED BY THE SECRETARY OF VETERANS AFFAIRS TO CERTAIN VETERANS.

(a) IN GENERAL.—Chapter 17 of title 38, United States Code, is amended by inserting

after section 1730A the following new section:

"§ 1730B. Examination and treatment for emergency medical conditions and women in labor

''(a) MEDICAL SCREENING EXAMINATIONS.—In carrying out this chapter, if any enrolled veteran requests, or a request is made on behalf of the veteran, for examination or treatment for a medical condition, regardless of whether such condition is service-connected, at a hospital emergency department of a medical facility of the Department, the Secretary shall ensure that the veteran is provided an appropriate medical screening examination within the capability of the emergency department, including ancillary services routinely available to the emergency department, to determine whether an emergency medical condition exists.

''(b) NECESSARY STABILIZING TREATMENT FOR EMERGENCY MEDICAL CONDITIONS AND LABOR.—(1) If an enrolled veteran comes to a medical facility of the Department and the Secretary determines that the veteran has an emergency medical condition, the Secretary shall provide either—

''(A) such further medical examination and such treatment as may be required to stabilize the medical condition; or

''(B) for the transfer of the veteran to another medical facility of the Department or a non-Department facility in accordance with subsection (c).

''(2) The Secretary is deemed to meet the requirement of paragraph (1)(A) with respect to an enrolled veteran if the Secretary offers the veteran the further medical examination and treatment described in such paragraph and informs the veteran (or an individual acting on behalf of the veteran) of the risks and benefits to the veteran of such examination and treatment, but the veteran (or individual) refuses to consent to the examination and treatment. The Secretary shall take all reasonable steps to secure the written informed consent of such veteran (or individual) to refuse such examination and treatment.

''(3) The Secretary is deemed to meet the requirement of paragraph (1) with respect to an enrolled veteran if the Secretary offers to transfer the individual to another medical facility in accordance with subsection (c) of this section and informs the veteran (or an individual acting on behalf of the veteran) of the risks and benefits to the veteran of such transfer, but the veteran (or individual) refuses to consent to the transfer. The hospital shall take all reasonable steps to secure the written informed consent of such veteran (or individual) to refuse such transfer.

''(c) RESTRICTION OF TRANSFERS UNTIL VETERAN STABILIZED.—(1) If an enrolled veteran at a medical facility of the Department has an emergency medical condition that has not been stabilized, the Secretary may not transfer the veteran to another medical facility of the Department or a non-Department facility unless—

''(A)(i) the veteran (or a legally responsible individual acting on behalf of the veteran), after being informed of the obligation of the Secretary under this section and of the risk of transfer, requests in writing a transfer to another medical facility;

''(ii) a physician has signed a certification (including a summary of the risks and benefits) that, based upon the information available at the time of transfer, the medical benefits reasonably expected from the provision of appropriate medical treatment at another medical facility outweigh the increased risks to the veteran and, in the case of labor, to the unborn child from effecting the transfer; or

''(iii) if a physician is not physically present in the emergency department at the time a veteran is transferred, a qualified medical person (as defined by the Secretary in regulations) has signed a certification described in clause (ii) after a physician, in consultation with the person, has made the determination described in such clause, and subsequently countersigns the certification; and

''(B) the transfer is an appropriate transfer as described in paragraph (2).

''(2) An appropriate transfer to a medical facility is a transfer—

''(A) in which the transferring medical facility provides the medical treatment within the capacity of the facility that minimizes the risks to the health of the enrolled veteran and, in the case of a woman in labor, the health of the unborn child;

''(B) in which the receiving facility—

''(i) has available space and qualified personnel for the treatment of the veteran; and

''(ii) has agreed to accept transfer of the veteran and to provide appropriate medical treatment;

''(C) in which the transferring facility sends to the receiving facility all medical records (or copies thereof), related to the emergency condition for which the veteran has presented, available at the time of the transfer, including records related to the emergency medical condition of the veteran, observations of signs or symptoms, preliminary diagnosis, treatment provided, results of any tests and the informed written consent or certification (or copy thereof) provided under paragraph (1)(A), and the name and address of any on-call physician (described in subsection (d)(1)(C) of this section) who has refused or failed to appear within a reasonable time to provide necessary stabilizing treatment;

''(D) in which the transfer is effected through qualified personnel and transportation equipment, as required including the use of necessary and medically appropriate life support measures during the transfer; and

''(E) that meets such other requirements as the Secretary may find necessary in the interest of the health and safety of veterans transferred.

''(d) CHARGES.—(1) Nothing in this section may be construed to affect any charges that the Secretary may collect from a veteran or third party.

''(2) The Secretary shall treat any care provided by a non-Department facility pursuant to this section as care otherwise provided by a non-Department facility pursuant to this chapter for purposes of paying such non-Department facility for such care.

''(e) NONDISCRIMINATION.—A medical facility of the Department or a non-Department facility, as the case may be, that has specialized capabilities or facilities (such as burn units, shock-trauma units, neonatal intensive care units, or (with respect to rural areas) regional referral centers as identified by the Secretary in regulation) shall not refuse to accept an appropriate transfer of an enrolled veteran who requires such specialized capabilities or facilities if the facility has the capacity to treat the veteran.

''(f) NO DELAY IN EXAMINATION OR TREATMENT.—A medical facility of the Department or a non-Department facility, as the case may be, may not delay provision of an appropriate medical screening examination required under subsection (a) or further medical examination and treatment required under subsection (b) of this section in order to inquire about the method of payment or insurance status of an enrolled veteran.

''(g) WHISTLEBLOWER PROTECTIONS.—The Secretary may not take adverse action against an employee of the Department because the employee refuses to authorize the transfer of an enrolled veteran with an emergency medical condition that has not been stabilized or because the employee reports a violation of a requirement of this section.

''(h) DEFINITIONS.—In this section:

''(1) The term 'emergency medical condition' means—

''(A) a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in—

''(i) placing the health of the enrolled veteran (or, with respect to an enrolled veteran who is a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

''(ii) serious impairment to bodily functions; or

''(iii) serious dysfunction of any bodily organ or part; or

''(B) with respect to an enrolled veteran who is a pregnant woman having contractions—

''(i) that there is inadequate time to effect a safe transfer to another hospital before delivery; or

''(ii) that transfer may pose a threat to the health or safety of the woman or the unborn child.

''(2) The term 'enrolled veteran' means a veteran who is enrolled in the health care system established under section 1705(a) of this title.

''(3) The term 'to stabilize' means, with respect to an emergency medical condition described in paragraph (1)(A), to provide such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the enrolled veteran from a facility, or, with respect to an emergency medical condition described in paragraph (1)(B), to deliver (including the placenta).

''(4) The term 'stabilized' means, with respect to an emergency medical condition described in paragraph (1)(A), that no material deterioration of the condition is likely, within reasonable medical probability, to result from or occur during the transfer of the individual from a facility, or, with respect to an emergency medical condition described in paragraph (1)(B), that the woman has delivered (including the placenta).

''(5) The term 'transfer' means the movement (including the discharge) of an enrolled veteran outside the facilities of a medical facility of the Department at the direction of any individual employed by (or affiliated or associated, directly or indirectly, with) the Department, but does not include such a movement of an individual who—

''(A) has been declared dead; or

''(B) leaves the facility without the permission of any such person.''.

(b) CLERICAL AMENDMENT.—The table of sections of such chapter is amended by inserting after the item relating to section 1730A the following new item:

''1730B. Examination and treatment for emergency medical conditions and women in labor.''.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from Washington (Mr. NEWHOUSE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

□ 1845

Mr. NEWHOUSE. Mr. Chairman, first of all, I include in the RECORD six letters from various veterans service organizations in support of H.R. 5620, as amended.

MILITARY ORDER OF THE PURPLE HEART,
Springfield, VA, July 14, 2016.

Hon. JEFF MILLER,
Chairman, House Committee on Veterans' Affairs, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the Military Order of the Purple Heart (MOPH), whose membership is comprised entirely of combat wounded veterans, I am pleased to offer our support for sections 1 through 8 and 10 of H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016. If enacted, this legislation would establish reasonable accountability measures for Department of Veterans Affairs (VA) employees.

The ability to reward good employees and hold poor employees accountable is essential to any high-performing organization. Unfortunately, events of the past two years have made it clear to MOPH that VA lacks the necessary authority to punish, remove, and recoup the performance bonuses of employees who were found to have endangered veterans, misused government funds, and otherwise underperformed in their duties. While we understand that VA cannot simply fire its way to success, we feel that improvements to these authorities made by this legislation are critical to allowing VA to function as it should, while also maintaining veterans' trust in their VA. Furthermore, these reforms would send the right message to the vast majority of VA employees who do an exemplary job every day that their good performance is truly appreciated. MOPH is also pleased that this legislation contains robust whistleblower protections, as no VA employee should ever fear reprisal for identifying deficiencies that could endanger veterans in any way.

MOPH is still evaluating section 9, which makes substantive changes to the VA appeals process, and takes no position on this section at this time.

MOPH thanks you for your leadership on this issue and your commitment to veteran-centric VA reform. We look forward to working with you to ensure the passage of this important legislation.

Respectfully,

ROBERT PUSKAR,
National Commander.

FLEET RESERVE ASSOCIATION,
Alexandria, VA, July 26, 2016.

Hon. JEFF MILLER,
Chairman, House Veterans' Affairs Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: The Fleet Reserve Association (FRA) supports the ''VA Accountability First and Appeals Modernization Act'' (H.R. 5620) that would reform the VA's disability benefits appeals process—a top priority for FRA. The bill also strengthens protections for whistleblowers and enforces accountability for unprofessional employees.

The Association appreciates your strong leadership on this issue and stands ready to provide assistance in advancing this legislation. The FRA point of contact is John Davis, Director of Legislative Programs.

Sincerely,

THOMAS J. SNEE,
National Executive Director.

ENLISTED ASSOCIATION OF THE NATIONAL GUARD OF THE UNITED STATES,
Alexandria, VA, July 21, 2016.

Hon. JEFF MILLER,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the Enlisted Association of the National Guard of the United States (EANGUS) which represents the interests of over 400,000 enlisted men and women of the Army and Air National Guard, we are pleased to offer our full support for H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016. This bill combines much needed accountability measures for the employees of the Department of Veterans Affairs (VA), with long overdue reforms to the personal appeals process.

We believe your legislation gives the VA the power it needs to hold its employees accountable, while strengthening protection for whistleblowers. This is crucial, as the events of the past two years have made it clear to our organization that the VA is unable to remove employees that are negligent, underperforming, and don't serve in the best interest of veterans. We also believe the robust protections for whistleblowers contained in this legislation are critical. Employees that do the right thing should not fear reprisals for identifying deficiencies that could endanger veterans.

EANGUS thanks you for your continued leadership on this issue and your commitment to bring improvements and accountability to the VA. We stand ready to work with you and your staff to ensure the passage of this important piece of legislation.

Sincerely,

FRANK YOAKUM,
Sgt. Maj., U.S. Army (retired), Executive Director.

From: CVA—Press.
Date: Thursday, July 7, 2016.
To: CVA HQ.
For Immediate Release: July 7, 2016.

CONCERNED VETERANS FOR AMERICA ANNOUNCES SUPPORT FOR MILLER VA ACCOUNTABILITY BILL

ARLINGTON, VA.—Concerned Veterans for America (CVA) Vice President for Legislative and Political Action Dan Caldwell released the following statement today in support of House Veterans' Affairs Committee Chairman Miller's introduction of the 'VA Accountability First and Appeals Modernization Act of 2016:'

''Concerned Veterans for America applauds Chairman Miller for introducing H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016: This legislation would go a long way in addressing the lack of accountability plaguing the VA and impeding the timely delivery of health care and other benefits to eligible veterans. From providing meaningful limits on how long VA employees can appeal administrative actions, to giving the VA secretary the authority to recoup bonuses and salary awarded to unethical employees, this bill is full of the reforms that will rid the department of its accountability crisis. Importantly, its removal of the Merit Systems Protection Board (MSPB) from the appeals process for senior executives is a critical component to ensuring that top leaders are held accountable for their actions and kept from negatively influencing veterans' care in the future. We urge the VA committees of both houses of Congress to move quickly on this legislation, and deliver the reform veterans deserve.''

ASSOCIATION OF THE UNITED STATES NAVY,
August 10, 2016.

Hon. JEFF MILLER,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN MILLER: The Association for the United States Navy strongly supports HR 5620, which combines VA accountability provisions with appeals reform. The VA has had a history of committing crimes without anything more than a slap on the wrist, leaving it to veterans to suffer from lesser care. With HR 5620, the accountability that veterans have been looking for in order to require that the VA give the proper care would finally occur. We at AUSN greatly appreciate your introduction of this bill and look forward to seeing it gain traction in the House and Senate.

HR 5620 helps outline both accountability measures and appeals reform together, which benefit veterans as well as VA leadership give better care. Both sections 3 and 7 help hold individuals, not just the entire organization or leadership, accountable for their actions. The expedited system would allow employees who had misbehaved to appeal within 10 days and then have their appeal decided within 60 days, which is a much quicker, cleaner version to the system we currently have. This would help bring in better individuals rather than new leadership every time there is a problem, and would allow for expedited reprimand of the individuals by streamlining the discipline process. The appeals reform section of the bill is also impressive, giving veterans three different avenues to go about their appeals process rather than just one and consistently having the same problem. This bill is one that really focuses on the individual rather than the collective, which makes it beneficial for veterans to receive the best quality care possible.

It is crucial that accountability and appeal reform occurs within the VA. The current system is too rigid for real reform to occur, and by having initiatives that are introduced in this bill, it would help make last change within the VA and finally give veterans the care they deserve for serving our country.

Sincerely

MICHAEL LITTLE.

AUGUST 31, 2016.

Hon. JEFF MILLER,
Chairman, House Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. MILLER: AMVETS (American Veterans) is pleased to support your bill, H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016, which seeks to provide for the removal or demotion of employees of the Department of Veterans Affairs (VA) based on performance or misconduct, and to reform the Veterans Benefits Administration (VBA) appeals process.

The intent of this bill is in line with two of our National Resolutions, which dictate our legislative priorities, that our members voted on and passed at the AMVETS 72nd National Convention in Reno, Nevada in August. The first Resolution is related to the need for, and importance of, improved VA accountability. It states, in part, that until each and every VA employee can be held accountable for their actions, or lack thereof, the VA system will remain broken, unsatisfactory, and unsafe. The second Resolution is related to fixing the VBA claims processing and appeals systems. It states, in part, that AMVETS continues to monitor the progress of the veteran claims processing system, and working as a stakeholder, seeks to address the shortcomings. For these reasons we stand ready to help you gain passage of H.R. 5620.

AMVETS appreciates your leadership in introducing this important legislation and in striving to improve the lives of all veterans.

Sincerely,

JOSEPH R. CHENELLY,
Executive Director.

Mr. NEWHOUSE. Mr. Chairman, I believe one of the Federal Government's most important functions is to support those who have sacrificed so much in the defense of our Nation. Whenever

our government fails to meet this responsibility, swift action must be taken.

We have heard far too many distressing stories in recent years about the Department of Veterans Affairs failing to provide our veterans the care they deserve. My amendment seeks to address one of these problems by adding the text of H.R. 3216, the Veterans Emergency Treatment Act, to this bill. This language is supported by the Veterans of Foreign Wars, the American Legion, and the Disabled American Veterans.

In short, my amendment would ensure that every enrolled veteran who arrives at an emergency department of a VA medical facility and indicates an emergency condition exists is assessed and treated in an effort to prevent further injury or death. This is accomplished by applying the statutory requirements of the Emergency Medical Treatment and Labor Act, or EMTALA, to emergency care furnished by the VA to enrolled veterans.

Mr. Chairman, my attention was drawn to this issue by one of my own constituents. In February of 2015, a 64-year-old Army veteran arrived at the Seattle VA emergency room in severe pain with a broken foot that had swollen to the size of a football. No longer able to walk, he requested emergency room staff assist him in traveling the 10 feet from his car to the ER entrance. Hospital personnel promptly hung up on him after instructing him he would need to call 911 to assist him at his own expense. He was eventually helped into the emergency room by a Seattle fire captain as well as three firefighters.

Another notable incident occurred in New Mexico in 2014, when a veteran collapsed in the cafeteria of a VA facility and ultimately died when the VA refused to transport him 500 yards across the campus to the emergency room.

EMTALA is a Federal statute that supersedes State and local laws and grants every individual a Federal right to emergency care. It was enacted by Congress in 1986 and is designed to prevent hospitals from transferring, or dumping, uninsured or Medicaid patients to public hospitals. EMTALA requires a hospital to conduct a medical examination to determine if an emergency medical condition exists. If one does, then the hospital must either stabilize the patient or effectuate a proper transfer at the patient's request. Currently, the VA hospitals are considered to be nonparticipating hospitals and are therefore not obligated to fulfill the requirements instituted by EMTALA. This amendment will revise current law to remove the nonparticipating designation and require them to fulfill requirements of EMTALA, just as every other hospital does.

Mr. Chairman, it is actually the Veterans Health Administration's stated policy that all transfers in and out of VA facilities of patients in the emergency department or urgent care units are accomplished in a manner that ensures maximum patient safety and is in compliance with the transfer provisions of EMTALA and its implementing regulations.

However, unfortunately, this policy is not always followed, and occasionally locally designed transfer policies undermine efforts to provide emergency care to veterans. Additionally, in some of these instances there was clear confusion on the part of the VA facilities about their own transfer policies. This is why we must act now.

Mr. Chairman, I urge the House to support and pass my amendment to H.R. 5620. It is time we ensure our veterans receive proper medical care during emergency medical situations, all without requiring additional spending.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Chairman, as the sponsor has already said, it clarifies and strengthens VA's responsibility with regard to emergency care. It has been drafted very well in response to a recent, very tragic incident where a veteran died in a VA parking lot in very close proximity to a VA emergency room. It is supported by numerous veterans service organizations.

I am grateful to the gentleman from Washington (Mr. NEWHOUSE), my good friend, and urge all of my colleagues to join me in supporting this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. NEWHOUSE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. NEWHOUSE).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. SCHWEIKERT

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 114–742.

Mr. SCHWEIKERT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following new section:

SEC. 11. USE OF DISTRIBUTED LEDGER TECHNOLOGY TO SCHEDULE APPOINTMENTS.

(a) USE OF DISTRIBUTED LEDGER TECHNOLOGY.—

(1) IN GENERAL.—Beginning not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall ensure that veterans seeking health care appointments at medical facilities of the Department are able to use an Internet website, a mobile application, or other similar electronic method to use distributed ledger technology to view such appointments and ascertain whether an employee of the Department of Veterans Affairs has modified such appointments.

(2) CONTRACTS.—The Secretary shall carry out paragraph (1) by seeking to enter into one or more contracts with appropriate entities to develop the appointment distributed ledger technology system described in such paragraph.

(3) PRIVACY AND OWNERSHIP OF INFORMATION.—Any information relating to a veteran that is used or transmitted pursuant to this section—

(A) shall be treated in accordance with section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act'') and other applicable laws and regulations relating to the privacy of the veteran;

(B) may only be used by an employee or contractor of the Department of Veterans Affairs to carry out paragraph (1); and

(C) may not be disclosed to any person who is not the veteran or such an employee or contractor unless the veteran provides consent to such disclosure.

(b) REPORT.—Not later than 180 days after the date on which the Secretary commences subsection (a)(1), the Secretary shall submit to Congress a report on the implementation of this section.

(c) DEFINITIONS.—In this section:

(1) The term ''distributed ledger technology'' means technology using a consensus of replicated, shared, and synchronized digital data that is geographically spread across multiple digital systems.

(2) The term ''mobile application'' means a software program that runs on the operating system of a mobile device.

(3) The term ''mobile device'' means a smartphone, tablet computer, or similar portable computing device that transmits data over a wireless connection.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from Arizona (Mr. SCHWEIKERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SCHWEIKERT. Mr. Chairman, to our friends on the other side, I will let you know, I am going to move to withdraw the amendment, but I do want to share a little bit of an explanation of why I am taking this approach.

I am blessed to represent much of the Phoenix area, the epicenter of where the calendar, where the scheduling system was manipulated. For those of us who are in this body who have had the opportunity to sit across from a widow who cannot stop crying because she is telling you that, in everything she believes, the VA took the life of her husband by the delays, after the delays, after functionally being lied to and the delays.

I accept in this body I may be bordering on being sort of a techno-utopian, but I have a belief that there is technology out there that is already widely adopted in the rest of the world. I mean, there are countries that the entire nation's database system is run this way, something called a distributive ledger, a blockchain.

The beauty of what we were trying to weave into this is the concept of, hey, they are already working on a scheduling software. If you enable it across the server network, no one can manipulate it. You can't sit there and slip in

and change the dates and the times without it being date-stamped. That is the beauty of a distributive ledger model, and you don't have to custom design the software to do this. Basically, you are already using the capital you have already spent on the series of servers you have, and then it distributes it across it.

This is today's technology—in a world where we step up and say we are going to custom-design a software solution for scheduling, that is brilliant if it were still the 1990s; it is not—our ability to use a type of technology where the veteran can log in through secure passwords, see their own records, see their history, see their schedules, and know that it is bulletproof, that no one can manipulate it; and if there was a change, they can see when and who did it, and they get to participate in the scheduling of their own health care. This will work on apps. It will work on a home computer. It will work on the servers at the VA.

I have to reach out and say thank you to the chairman and to his staff because I know some of this is new technology, and rolling it out in a very specific fashion is sort of disharmonious when you are moving forward with a reform bill of this nature, but I am hopeful that many of us are going to sell you the idea that there is little technological improvements that can be woven in and actually solve many of the structural problems, crises, concerns that all of us have had to face at the VA over the last few years.

Mr. Chairman, I ask unanimous consent to withdraw the amendment enumerated as No. 8.

The Acting CHAIR. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

It is now in order to consider amendment No. 9 printed in House Report 114–742.

It is now in order to consider amendment No. 10 printed in House Report 114–742.

PARLIAMENTARY INQUIRY

Mr. MILLER of Florida. Mr. Chair, parliamentary inquiry.

The Acting CHAIR. The gentleman from Florida will state his parliamentary inquiry.

Mr. MILLER of Florida. Will the Chair state the amendment number. I think you said amendment No. 10. Should it be No. 9?

The Acting CHAIR. Amendment No. 9 was not offered.

Mr. MILLER of Florida. I apologize, I was not informed.

AMENDMENT NO. 10 OFFERED BY MR. TAKANO

Mr. TAKANO. Mr. Chair, as the designee of the gentlewoman from Florida (Ms. FRANKEL), I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 54, after line 2, insert the following:

SEC. 11. SENSE OF CONGRESS REGARDING AMERICAN VETERANS DISABLED FOR LIFE.

(a) FINDINGS.—Congress finds the following:

(1) There are at least 3,600,000 veterans currently living with service-connected disabilities.

(2) As a result of their service, many veterans are permanently disabled throughout their lives and in many cases must rely on the support of their families and friends when these visible and invisible burdens become too much to bear alone.

(3) October 5, which is the anniversary of the dedication of the American Veterans Disabled for Life Memorial, has been recognized as an appropriate day on which to honor American veterans disabled for life each year.

(b) SENSE OF CONGRESS.—Congress—

(1) expresses its appreciation to the men and women left permanently wounded, ill, or injured as a result of their service in the Armed Forces;

(2) supports the annual recognition of American veterans disabled for life; and

(3) encourages the American people to honor American veterans disabled for life each year with appropriate programs and activities.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from California (Mr. TAKANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. TAKANO. Mr. Chairman, I rise to offer the amendment on behalf of the gentlewoman from Florida (Ms. FRANKEL).

Congresswoman FRANKEL's amendment would honor American veterans disabled for life and support annual recognition of our Nation's servicemen and -women left permanently wounded, ill, or injured as a result of their service. If passed, it would recognize October 5 as an appropriate day to honor disabled veterans each year. This date coincides with the anniversary of the dedication of the American Veterans Disabled for Life Memorial in Washington, D.C.

The amendment is supported by the Disabled American Veterans and the Paralyzed Veterans of America. It was included in a House concurrent resolution that I was proud to cosponsor alongside Chairman JEFF MILLER. It also passed the House as part of this Chamber's National Defense Authorization Act.

America's 3.6 million disabled veterans have honored us with their service and selfless duty. It is now our turn to honor them, and passing this amendment is one way to do so. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I do not oppose the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Chairman, this is a very worthy cause that is due our respect, as we often forget the veterans that have been wounded, disabled for life in battle.

I was proud to attend the dedication of the American Veterans Disabled for Life Memorial service just a couple of years ago right outside of this Capitol Building, and I want to thank Representative FRANKEL and urge all of my colleagues to join me in supporting this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. TAKANO. Mr. Chairman, I have no further speakers, and again, I urge my colleagues to support Representative FRANKEL's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. TAKANO).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. TAKANO

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 114–742.

Mr. TAKANO. Mr. Chairman, as the designee of the gentleman from Arizona (Mr. GALLEGO), I offer amendment No. 11.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 54, after line 2, insert the following:

SEC. 11. ESTABLISHMENT OF POSITIONS OF DIRECTORS OF VETERANS INTEGRATED SERVICE NETWORKS IN OFFICE OF UNDER SECRETARY FOR HEALTH OF DEPARTMENT OF VETERANS AFFAIRS AND MODIFICATION OF QUALIFICATIONS FOR MEDICAL DIRECTORS.

Section 7306(a)(4) of title 38, United States Code, is amended—

(1) by inserting ''and Directors of Veterans Integrated Service Networks'' after ''Such Medical Directors''; and

(2) by striking '', who shall be either a qualified doctor of medicine or a qualified doctor of dental surgery or dental medicine''.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from California (Mr. TAKANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. TAKANO. Mr. Chairman, I rise to offer the amendment on behalf of my colleague from Arizona (Mr. GALLEGO).

Representative GALLEGO's amendment establishes the position of Director of Veterans Integrated Service Networks within the Office of the Under Secretary for Health in the VA.

Leadership vacancies are prevalent across the VA, particularly in terms of network and facility directors, and this amendment will provide the VA with additional flexibility to recruit medical center directors and VISN directors.

□ 1900

Within the 21 VISNs, there are 151 medical centers, 985 outpatient clinics,

135 community living centers, 103 domiciliary rehabilitation treatment programs, 300 readjustment counseling centers, and 70 mobile vet centers. Network directors have oversight of healthcare delivery for as many as 10 VA medical centers and numerous community-based outpatient clinics, nursing homes, and domiciliary centers.

Ensuring that the VA has all the tools necessary to fill and retain these leadership positions is critical to fulfilling the VHA's mission and providing quality, timely care to our veterans.

This amendment is included in H.R. 4011, the Delivering Opportunities for Care and Services for Veterans Act, otherwise known as DOCS for Vets Act, which the VA Secretary recently included amongst his top legislative priorities for the remainder of this Congress. The language also passed unanimously in the Senate Veterans Affairs' Committee as part of the bipartisan Vets First Act.

I urge my colleagues to support this amendment.

Mr. Chair, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chair, I ask unanimous consent to claim the time in opposition, even though I am not opposed.

The Acting Chair. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Chairman, this, in fact, would make it easier for VA to recruit and retain its VISN directors. It is a legislative proposal of the Department of Veterans Affairs included in the committee-drafted H.R. 5526, sponsored by Mr. WENSTRUP.

I am grateful to Representative GALLEGO. I urge all of my colleagues to join me in supporting this amendment.

Mr. Chair, I yield back the balance of my time.

Mr. TAKANO. Mr. Chairman, I urge my colleagues to support Representative GALLEGO's amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. TAKANO).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. KEATING

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 114–742.

Mr. KEATING. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following new section:

SEC. 11. CONTINUING EDUCATION REQUIREMENT FOR EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS AUTHORIZED TO PRESCRIBE MEDICATION.

(a) IN GENERAL.—Subchapter I of chapter 74 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7413. Continuing education requirement for employees authorized to prescribe medication

''(a) REQUIREMENT.—(1) Except as provided in paragraph (2), the Secretary shall require each covered employee of the Department to complete not less than one accredited course of continuing education on pain management once every two years. Such course shall include information on safe prescribing practices and disposal of controlled substances, principles of pain management, identification of potential substance use disorders and addiction treatment.

''(2) Paragraph (1) shall not apply to a covered employee if the covered employee is licensed or certified by a State licensure or specialty board that requires the completion of continuing education relative to pain management or substance use disorder management.

''(b) DEFINITIONS.—In this section:

''(1) The term 'covered employee' means any employee of the Department authorized to prescribe any controlled substance, including an employee hired under section 7405 of this title.

''(2) The term 'controlled substance' has the meaning given such term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

''(c) APPLICABILITY.—The requirement under subsection (a) shall apply with respect to a covered employee for any 24-month period during which the covered employee is employed by the Department for at least 180 days.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter I of such chapter the following new item:

''7413. Continuing education requirement for employees authorized to prescribe medication.''.

(c) APPLICABILITY.—Section 7413 of title 38, United States Code, as added by subsection (a) shall apply with respect to a 12-month period that begins on or after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from Massachusetts (Mr. KEATING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. KEATING. Mr. Chairman, I would like to thank Chairman MILLER of Florida for his assistance with this amendment, as well as the gentleman from California (Mr. TAKANO).

I rise to offer an amendment to H.R. 5620 that would direct healthcare providers with VA affiliation to take continuing education courses specific to pain management, opioids, and substance abuse.

Nationally, about 30 percent of Americans have some type of chronic pain that they report. However, for veterans—and our elderly veterans—that number escalates dramatically, with 50 percent reporting chronic pain. And it is even more—almost double that—as 60 percent of veterans returning from the current conflict in the Middle East report some type of chronic pain that needs administration. In fact, this type of malady is the most common medical problem experienced by returning combat veterans in the entire last decade. So it is the number one reported problem that our veterans returning home from combat have to endure.

According to VA data, over half a million veterans are receiving prescriptions for opioids. The number of veterans with opioid use disorders has grown 55 percent over the last 5 years alone. Additionally, the American Public Health Association found that veterans are twice as likely to overdose on prescription opioids as are members of the general population.

Of course, pain management isn't just a stand-alone problem for our veterans. The injury leads to co-occurring mental health disorders like brain trauma or post-traumatic stress disorder. Approximately one out of every three veterans seeking treatment for substance use disorders also have brain trauma or PTSD.

The amendment incorporates language that I have introduced earlier in the year, the Safe Prescribing for Veterans Act. It will help those who provide healthcare services to veterans learn the latest in pain management techniques, understand safe prescription practices, and spot the signs of potential substance use disorders.

In our country, some of the States have moved ahead already with what this amendment does. There are 14 States in the country that require continuing education so that their physicians are schooled and kept up to speed with the most modern techniques in dealing with opioid abuse disorders. Even though there are 14, that number decreases in some of those States for the people administering these drugs, including nurse practitioners, physician assistants, dentists, and others. So this is a problem that some States are addressing, but we are not addressing as a country to help our veterans.

In those States that have this, they have that requirement for continuing education as part of treating those people who are seeking treatment. But in the remaining States, even if they have some kind of recommendations, there is no guarantee. And for our veterans nationwide, there is no guarantee.

So this is something, I think, that is essential and that we do the most we can do to help the veterans and the heroes that have served us so well as they come back dealing with some of the effects and aftereffects of their combat, to be able to help them and be there for them the way that they were there for us.

This Congress has already acted, in terms of the appropriations process, for the implementation of the costs attendant to this kind of support. This bill will be a corollary bill that deals with guaranteeing that that occurs.

In my own area, just to show you the conflicts of treatment and the diversity of treatment, the Commonwealth of Massachusetts is one of those 14 States that requires all medical personnel, all doctors, to able to have this continuing education requirement. That includes those doctors that serve the Veterans Administration.

However, in my district in the southeast portion of Massachusetts, most of the veterans in my area go to Providence, Rhode Island, for their treatment, which does not have that guarantee. Just to show an example, they have recommendations of what to do, but they don't have that guarantee.

So in my own State, one portion of the State and the veterans served mostly in that portion has that requirement to make sure that is the case. The other doesn't.

I want to thank Mr. ROTHFUS of Pennsylvania for joining me as a cosponsor of this amendment. I want to thank my colleagues for this.

Mr. Chair, I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Chair, I ask unanimous consent to claim the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Chair, I do want to thank Mr. KEATING for coming up with this outstanding amendment to our bill. It does require VA employees to receive continuing education and courses on pain management, safe prescribing practices, disposal of controlled substances, and addiction treatment. It is critical for VA providers to know the best practices for pain management and substance use disorder.

I want to thank Mr. KEATING for his words tonight, and Mr. ROTHFUS, and I my colleagues in supporting this amendment.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. KEATING).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. LOWENTHAL

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 114–742.

Mr. LOWENTHAL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 54, add after line 2 the following:

SECTION 11. REVIEW OF WHISTLEBLOWER COMPLAINTS.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by inserting after section 711 the following new section:

''§ 712. Review of whistleblower complaints

''(a) IN GENERAL.—During each calendar quarter, the Secretary shall review each covered whistleblower complaint that is filed during the previous calendar quarter.

''(b) DELEGATION.—The Secretary may only delegate the authority of the Secretary under subsection (a) to review a covered whistleblower complaint, without further delegation, to—

''(1) the Deputy Secretary of Veterans Affairs;

''(2) the Under Secretary for Health;

''(3) the Under Secretary for Benefits;

''(4) the Under Secretary for Memorial Affairs;

''(5) an Assistant Secretary of Veterans Affairs;

''(6) a Deputy Assistant Secretary of Veterans Affairs; or

''(7) a director of the Veterans Integrated Service Network.

''(c) COVERED WHISTLEBLOWER COMPLAINT DEFINED.—In this section, the term 'covered whistleblower complaint' means any complaint filed with the Office of the Special Counsel under subchapter II of chapter 12 of title 5 with respect to a prohibited personnel practice committed by an officer or employee of the Department of Veterans Affairs and described in section 2302(b)(8) or 2302(b)(9)(A)(i), (B), (C), or (D) of such title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 711 the following new item:

''712. Review of whistleblower complaints.''.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from California (Mr. LOWENTHAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LOWENTHAL. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I am very pleased to have the opportunity to offer this simple, nonpartisan amendment today.

Like many of my colleagues here, I am determined to do whatever I can to ensure the best possible care for our veterans. And I can tell you that I see all the time just how important the services are in my hometown at the Long Beach Veterans Administration to veterans in my district.

It is absolutely essential our veterans receive the quality of care that they have earned and that we owe them. I believe everyone here agrees on that. The question is: How can we ensure that our veterans receive the best quality care?

One straightforward, but important way is to make sure that whistleblowers are adequately protected.

When problems emerge, as they certainly will in any complicated system such as health care, it is vital that the VA employees feel that they can bring forward complaints and they will be properly considered without fear of retaliation.

VA employees are key potential partners in making sure the system is responsive, honest, and efficient. And if they have any doubts or concerns about their whistleblower protections, then we lose the insights, their expertise, and the inside view that they bring to the VA's day-to-day operations. That would be bad for the veterans and bad for our VA system.

My simple amendment helps to guarantee whistleblower protections are acted upon by requiring the Secretary of Veterans Affairs or his or her designee to conduct a quarterly review of covered whistleblower complaints from the preceding quarter. This brings the necessary prompt attention and senior level VA oversight to whistleblower complaints.

I believe this is nonpartisan, noncontroversial, and I hope that the majority goes along with my colleagues in the minority and will support it. I urge its adoption.

Mr. Chair, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chair, I ask unanimous consent to claim the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Chair, I want to thank Mr. LOWENTHAL for his very simple, nonpartisan amendment that has been provided tonight requiring political appointees at VA review whistleblower complaints at every level. I am grateful to him for bringing this forward. I urge all of my colleagues to support his amendment.

Mr. Chair, I yield back the balance of my time.

Mr. LOWENTHAL. Mr. Chair, I thank and appreciate the leader from the majority party.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. LOWENTHAL).

The amendment was agreed to.

Mr. MILLER of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MILLER of Florida) having assumed the chair, Mr. MOONEY of West Virginia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5620) to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes, had come to no resolution thereon.

□ 1915

SUICIDE PREVENTION MONTH

The SPEAKER pro tempore (Mr. MOONEY of West Virginia). Under the Speaker's announced policy of January 6, 2015, the gentlewoman from Arizona (Ms. SINEMA) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Ms. SINEMA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Arizona?

There was no objection.

Ms. SINEMA. Mr. Speaker, September is Suicide Prevention Month, a time for our Nation to raise awareness about the recurring tragedy of suicide.

Last month, the VA released an updated comprehensive study on veteran suicide, finding an estimated 20 veterans lose their lives to suicide every day. Twenty veterans a day should be a call to action for our country and for this Congress. We must do more.

Typically, time in this House Chamber is split; Republicans have 1 hour and Democrats have another. But I believe this issue is too important to be overshadowed by partisan politics, and that is why tonight I have invited Members from both sides of the aisle to show our commitment to solving this problem together and find real solutions for our veterans.

This is the fourth year that I have held this event in this Chamber to raise awareness and send a clear message that the epidemic of veteran suicide must end. We have so much more work left to do.

Tonight I hope that we, as a body, will demonstrate our ongoing support for the individuals, organizations, and agencies devoted to preventing the epidemic of veteran suicide. We challenge the VA, the Department of Defense, and our fellow lawmakers to do more.

Today, Mr. Speaker, we are failing in our obligation to do right by those who have served our country so honorably.

Finally, we send a message to military families who have experienced this tragedy. Our message is simple: Your family's loss isn't forgotten. We work for the memory of your loved ones, and we will not rest until every veteran has access to the care that he or she needs.

I have often shared the story of a young veteran from my district, Sergeant Daniel Somers. Sergeant Somers was an Army veteran of two tours in Iraq. He served on Task Force Lightning, an intelligence unit. He ran over 400 combat missions as a machine gunner in the turret of a Humvee; and part of his role required him to interrogate dozens of terrorist suspects. His work was deemed classified.

Like many veterans, though, Daniel was haunted by the war when he returned home. He suffered from flashbacks, nightmares, depression, and additional symptoms of post-traumatic stress disorder, made worse by a traumatic brain injury.

Daniel needed help. He and his family asked for help, but, unfortunately, the VA enrolled Sergeant Somers in group therapy sessions, which Sergeant Somers could not attend for fear of disclosing classified information.

Despite repeated requests for individualized counseling, or some other reasonable accommodation to allow Sergeant Somers to receive appropriate care for his PTSD, the VA delayed providing Sergeant Somers with appropriate support and care.

Like many veterans, Sergeant Somers' isolation got worse when he transitioned to civilian life. He tried to provide for his family, but he was unable to work due to his disability. Sergeant Somers struggled with the VA bureaucracy. His disability appeal had been pending for over 2 years in the system without any resolution.

Sergeant Somers didn't get the help that he needed in time. On June 10 of 2013, Sergeant Somers wrote a letter to his family. In this letter he said: ''I am not getting better, I am not going to get better, and I will most certainly deteriorate further as time goes on.''

He went on in the letter to say: ''I am left with basically nothing. Too trapped in a war to be at peace; too damaged to be at war. Abandoned by those who would take the easy road, and a liability to those who stick it out and, thus, deserve better. So you see, not only am I better off dead, but the world is better without me in it. This is what brought me to my actual final mission.''

We lost Daniel Somers that day, and no one who returns home from serving our country should ever feel like he or she has nowhere to turn.

Mr. Speaker, and Members, I am committed to working on both sides of the aisle to ensure that no veteran feels trapped like Sergeant Somers did, and that all of our veterans have access to appropriate mental health care.

Sergeant Somers' story is familiar to too many military families. Sergeant Somers' parents, Howard and Jean, were devastated by the loss of their son, but they bravely shared Sergeant Somers' story and created a mission of their own. Their mission is to ensure that Sergant Somers' story brings to light America's deadliest war, the 20 veterans that we lose every day to suicide.

Many of my colleagues have met with Howard and Jean. They are working with Congress and the VA to share their experiences with the VA healthcare system and find ways to improve care for veterans and their families.

Our office worked closely with Howard and Jean to develop the Sergeant Daniel Somers Classified Veterans Access to Care Act. The Sergeant Daniel Somers Act ensures that veterans with classified experiences can access appropriate mental health services at the Department of Veterans Affairs.

Our bill directs the Secretary of the VA to establish standards and procedures to ensure that a veteran who participated in a classified mission, or who served in a sensitive unit, may access mental health care in a manner that fully accommodates his or her obligation to not improperly disclose classified information.

The bill also directs the Secretary to disseminate guidance to employees of the Veterans Health Administration, including mental health professionals, on such standards and procedures on how best to engage veterans during the course of mental health treatment with respect to classified information.

Finally, the bill directs the Secretary to allow veterans with classified experiences to self-identify so they can quickly receive care in an appropriate setting.

The Sergeant Daniel Somers Act passed the House in February, but now we are waiting for the Senate to take action. No veteran or family should go through the same tragedy that the Somers family experienced, and we owe it to our veterans to pass and sign this bill into law.

While we are waiting for Congress to act, Arizona is taking action. We are doing it ourselves. Our office took immediate action when we heard from brave whistleblowers about the tragedy at the Phoenix VA. We have now held nine veterans clinics, helping over 1,000 veterans and military members access the benefits they have earned. Our team helps veterans with everything they need, from housing to job placement, to education.

Mr. Speaker, I will speak more about the work we are doing in Arizona, but I would like to yield to my colleague from New York (Mr. GIBSON), who has bravely served our country.

Mr. GIBSON. Mr. Speaker, I thank my friend and colleague, Representative SINEMA. I thank her for her passion for the issue, for her leadership which she brings here tonight and on all days on this very important issue for veterans.

Mr. Speaker, this is a very personal issue for me. After 29 years in the United States Army, initially starting as a 17-year-old private in the New York Army National Guard and, after 5 years, making the transition to the regular Army as a Commissioned Officer and serving 24 additional years, including 4 combat tours in Iraq, time in the Balkans, also in Haiti, over that time, I have seen the human condition under very severe and acute stress, and have seen humans at their best and humans at their worst.

Now, in this role in Congress, I think it is critically important that we come together and provide all the support that we can for our servicemen and -women, for our veterans, and for their families.

Mr. Speaker, my wife is also involved in helping on this score, as she is a licensed clinical social worker, and she commits herself to helping. She is involved in therapy for our veterans. And for both of us, we have seen this from the vantage point of being on Active Duty, and then retiring from the United States military and being a civilian, in a community, and now serving in Congress.

It is clear that, as far as the status of our veterans—well, I guess, perhaps not surprisingly a lot like the rest of America—it is variegated. Some veterans are doing really well; got home, integrated, and really excelling in

every capacity in life. Yet, Mr. Speaker, there are some that are really struggling. They are struggling to find their footing, to reintegrate into society. They may be struggling financially. Others have grievous wounds that they incurred in this war, and others who still were not physically wounded are carrying emotional scars.

So really, that is, I think, the calling here tonight. Congresswoman SINEMA has pulled together this Special Order for us to put a focus on that, and I deeply appreciate that because the American people need to know: Is their government listening? Do we hear the calls from our veterans, their families, and from their loved ones, from their friends, and from all Americans who are concerned about the status of our veterans?

Mr. Speaker, our government is listening. We have taken action. There is much more to be done, but I think it is important to also give an accounting. A transparent, accountable government must provide report on what has been done.

Mr. Speaker, I was at the White House when we did the bill signing, when President Obama signed into law the Clay Hunt suicide awareness and prevention bill. Clay Hunt, a great American hero, a Marine who fought bravely for our country in both Iraq and Afghanistan, who came back and who candidly knew that he was having some mental health challenges; and the way he dealt with that was to commit himself to helping others. And he did make a difference, again.

Unfortunately, he ultimately lost his battle with the mental health challenges that he had, and his family took up the cause in that immediate aftermath. It is through the inspiration of Clay Hunt, the way he lived his life, that we came together here in this House. And I thank Sergeant Major Walz, the highest ranking enlisted man to ever serve in these Chambers, for authoring the bill. I was proud to be a part of it.

But this, we believe, will make a positive difference. It will not solve all, but it does audit our programs to take a look at what is doing well, and other programs that are still challenged, well-intentioned, but challenged; and it is going to provide a clearinghouse so that we can learn from these experiences.

It also starts a pilot program that is going to pay for the education for Americans who want to volunteer to be part of this effort to help veterans, the Clay Hunt suicide awareness and prevention, now law.

Likewise, the Female Veteran Suicide Prevention Act, we passed that in both Chambers, and the President of the United States signed that into law.

We also enacted the Wounded Warriors Federal Leave Act, which I also think will make a positive difference for our veterans.

And then, of course, about 18 months ago we enacted the VA's most sweeping reform of the VA, arguably, in our lifetime. Now, we are still in the throes of implementing that, so we haven't seen the full effect, but the intent of which is to address what Congresswoman SINEMA was addressing moments ago, and that was the backlogs at the VA.

We have enacted legislation that I believe will ultimately, when it is fully implemented, over time, help reduce those backlogs, bring better quality care and more accountability to our VA.

I want to also mention that, while these aforementioned bills are now law, we passed on this floor a bill a couple of months ago that I think will also make a significant difference and it will help the mental health of all Americans: TIM MURPHY's bill on mental health that is now over in the Senate. And I think that will have a contributing effect to our veterans.

So while there is an accounting of the actions we have taken to date, there is still much more to be done. And let me begin by saying that, after all these efforts, only a third of the veterans who are eligible to enroll in the VA are presently signed up.

□ 1930

We have to do better than that. I think we need public service, we need leadership by example, and we need a whole series of efforts to reach out to our veterans to get them into this community of care. In part, some of it is going to have to come from confidence in the VA, which we need to improve. So we recognize that while we have the Veterans Administration and we are trying to improve it, we are working hard on that, we also need to try to inspire to get more vets to use it.

I will also say that my assessment is, as I mentioned, having served on Active Duty and now on this side on retirement, I think the peer-to-peer programs are critically important because we have a number of programs to help. As I mentioned, my wife is participating in one of them with the therapy helping.

The fact of the matter is that if a veteran is in crisis in the dark of the night, and we have no way of reaching out to him, we could lose him, regardless of what programs we have.

So these peer-to-peer efforts, which there are some now, some pilot programs and some important ones that are going on—we have one in New York State. I heard Congresswoman SINEMA talking about a program they have in Arizona. In New York State, we have a peer-to-peer program actually started by one of our colleagues here now, LEE ZELDIN from Long Island. When he was serving in the State Senate, he coauthored a bill that became law in our State that has been helping with peer to peer. I think this is critically important that we have this camaraderie and that we have this capacity that reaches out so that veterans know they are never alone.

In the Army, we had a program that we called the Ranger Buddy program, or it is sometimes called the Airborne Buddy, or sometimes just the plain Soldier Buddy. But the point is that for moments of ideations, the darkest of ideations, we need to have that support that will then lend itself to a transition to the other programs we have at the VA and other places in the light of day.

I am going to close with this: while we need to do more to help with the physical condition for our veterans, to help them heal, and to also work their mental health, to support that and improve that. I firmly this: One of the things that rallies all servicemembers is a real sense of mission, the notion that what they are doing is certainly greater than themselves. They are helping to protect an exceptional way of life, and that is such a source of pride for our servicemen and -women. When they make the transition, sometimes that is not even fully cognizant for our servicemen and -women. They have appreciation for it, but sometimes it really takes the separation of years to recognize how significant that moment in their life was, that period of time in their life.

So for some veterans, when they get home, they miss this, that sense of camaraderie, that sense of cohesion, and that sense of purpose that goes with dedicating a life to a cause.

So as we work on improving the physical health and the mental health of our veterans, I would also say that it is important that we help veterans find that cause in their civilian life in any capacity, whether it is helping out with other wounded veterans, helping in schools, helping senior citizens, or helping the Scouts. In any capacity, it is getting that sense of mission back again. I think that has got to be key to all these programs.

I want to close by just thanking, again, Congresswoman SINEMA. I thank the gentlewoman for her great leadership on this. Let us all go forward dedicated to continuing to work on this issue and find ways where we can come together to make a difference.

Ms. SINEMA. Mr. Speaker, I thank Representative GIBSON for his words. I thank the gentleman for his service to our country. I thank especially the gentleman's wife. As a fellow social worker, I thank her for her work serving veterans.

I thank Representative HILL for joining us this evening.

Mr. Speaker, I yield to my colleague from Arkansas, FRENCH HILL.

Mr. HILL. I thank the Congresswoman from Arizona, my distinguished colleague on the House Financial Services Committee. I thank the gentlewoman for calling attention to all the Members in the House in this hallowed Chamber on this very, very important topic. So I thank the gentlewoman for inviting us to share.

Mr. Speaker, in 2013, a documentary about the Veterans Crisis Line aired on HBO. Winning an Academy Award for Best Short Subject Documentary in

2015, ''Crisis Hotline: Veterans Press 1'' highlighted the suicide crisis that we are talking about here tonight. It talked about the crisis that is facing our Nation's veterans and the men and women who are employed by the hotline that have devoted their time and their expertise in listening to our veterans and trying to aid them in their moment of crisis. Too many times, these calls are ones of last resort, with our veterans having nowhere else to turn and no one else to help them.

Over the years, we have continued to hear of the tragic crisis facing our veterans who continue to suffer from the invisible wounds of war that wreak havoc on their minds, destroy families, and, sadly, claim the lives of an average of some 20 veterans every day.

Arkansas' Second Congressional District is home to many of our brave veterans from the conflicts of our country. Many servicemembers currently who serve at Little Rock Air Force Base and at Camp Robinson and our veterans in central Arkansas are fortunate to have one of the top facilities in the entire country when it comes to treating mental health issues.

The Towbin Healthcare Center, more commonly known as Fort Roots, located in north Little Rock, Arkansas, provides our local veterans with mental health care facilities and services that have received national attention on ''60 Minutes.'' The doctors at Fort Roots, their innovation, their success with post-traumatic stress disorder, and their treatments have gotten that kind of national recognition. The management, the doctors, and the rank-and-file employees work tirelessly to give our veterans suffering from PTSD and traumatic brain injury a chance for rehabilitation and for getting back and getting on with their lives and their families.

The Central Arkansas Veterans Mental Health Council has also partnered with veterans, their families, and the central Arkansas community to help address this ongoing crisis and better help serve the mental health needs of our Arkansas veterans.

In Congress, we are working together on a bipartisan basis to enact policies that help our veterans and reform our mental health care system. Last year, the House passed with bipartisan support and the President signed into law the Clay Hunt SAV Act to increase access to mental health care for veterans and ensure the accountability of our Federal agencies in providing essential suicide prevention services.

The bill's namesake, a marine veteran from Houston, Texas, who served in Iraq and Afghanistan, Clay Hunt took his own life at the age of 28 in 2011, after a years-long struggle with PTSD that he had suffered as a result of his brave service to our country.

We are also working to better address the mental health needs of our entire country through the passage of the Helping Families In Mental Health Crisis Act, which was on the House floor earlier this summer. This landmark bill, introduced by our colleague, Representative MURPHY from Pennsylvania, was cosponsored by over 200 bipartisan Members of the House and addresses our seriously outdated mental health care system by refocusing and retooling our mental health programs, clarifying our privacy laws to ensure healthcare professionals can communicate with caregivers, and addressing the shortages in our mental health workforce and treatment facilities.

In the debate on that bill, it was stunning to learn that in the mid-1970s we had some half a million mental healthcare beds in this country, and now we have some 50,000. It is sad to hear the stories of parents of adult children who have lost them because of the lack of communication and the lack of service in some of our States in mental health. I commend Congressman MURPHY for helping lead and build a major bipartisan coalition on this important topic.

But all of us together—and I again thank the Congresswoman from Arizona—we all must work together and continue to move forward with thoughtful and effective legislation on the issue of mental health and mental health access and do what we can to save the lives of our veterans and reverse this deadly trend of suicides.

I am proud to join my colleagues this evening to discuss this important matter, and I am committed to ensuring that all of our veterans, our servicemembers, and their families receive the care and information they need to prevent suicide and help them heal and recover from these invisible wounds of war.

Mr. Speaker, I thank Chairwoman SINEMA for this time. I thank the gentlewoman for the opportunity to share this part of the evening with her, and I commend the gentlewoman for her leadership.

Ms. SINEMA. Mr. Speaker, I thank Congressman HILL for joining us and his leadership in the Congress on mental health and veterans issues.

Mr. Speaker, I yield to my colleague from California, SCOTT PETERS, who currently represents Howard and Jean Somers whom I was speaking about earlier. I thank the gentleman for being here.

Mr. PETERS. Mr. Speaker, I thank Congresswoman SINEMA for organizing this bipartisan gathering to raise awareness about the suicide epidemic plaguing our veterans community and for the gentlewoman's leadership on this important cause.

San Diego is home to the third largest population of veterans in the Nation. Every year, roughly half of the servicemembers stationed in San Diego are discharged and stay in the region after they leave service. With more than 236,000 residing in San Diego County, honoring our commitment to veterans—the benefits they earned through their service—is one of the most important jobs we have in Congress, and I think folks are recognizing that here tonight.

During Suicide Prevention Month, we turn our focus to ending the awful reality of veteran suicide that has hurt families and communities across the country. Every day, 20 veterans tragically take their own lives. Regardless of the number or rates, every veteran suicide is one too many. But there is much more we can do.

Mental health issues are still stigmatized in our country, but it is time we recognized the unique challenges faced by servicemembers and veterans in this regard. Post-traumatic stress is all too prevalent among our warfighters when they return home. We don't call it a disorder because it is often a perfectly natural reaction to the horrors that they have seen and the difficulties they have experienced. So we have to come together as a nation to address this issue. Our men and women in uniform deserve our dedication, just as they dedicated their lives to serving our Nation.

In San Diego, we are taking some innovative and collaborative approaches to addressing veteran suicide by combining government, private groups, and community partners. Since 2014, zero8hundred has helped local veterans transition from Active Duty to civilian life. This community-based nonprofit connects with servicemembers before they leave the military, and it makes sure that they know about the abundant services and community resources available to them as they transition themselves into new jobs and into new lives.

Courage to Call is another San Diego resource, a 24/7 helpline completely staffed by veterans ready to speak with Active Duty military, reservists, Guard members, and fellow vets to help them navigate challenges that come with life in and after the service.

In war, servicemembers depend on one another for guidance and support, and they should have that same support as civilians. This service was started in San Diego by 2–1-1, a local public-private partnership, a nexus to connect community resources with the individuals that can take advantage of them. It is a perfect example of how providing a central portal for benefits, employment, and housing help simplify the process and get veterans the benefits that they earn.

We also have medical centers that use innovative models of care to meet the needs of our servicemembers and veterans. I hope we can implement some of these same standards of care across the country. But that is not possible unless we come together—come together as leaders—and pass bipartisan reforms to veterans care.

As Congresswoman SINEMA has mentioned, she and I have had the honor of working with Dr. Howard and Jean Somers, who have been tireless advocates for reforming the broken healthcare system at the Department of Veterans Affairs after they lost their son, Daniel, to suicide in 2013.

While it is not perfect, and we have a lot of implementation steps to take, the Veterans Choice Act and the Veterans Accountability Act that we debated earlier tonight will help bring accountability to a system wrought with oversight and leadership challenges.

We also need to provide more flexible treatment options like telehealth technologies that allow veterans to receive care from the comfort of their homes.

Finally, and I think maybe most importantly, we need to break the stigma of mental health issues once and for all. We know how difficult it has been to deal with the veterans who come to the VA for care, but there is a great number who never touch the VA who suffer in loneliness at home and have never connected with the VA even with a phone call, and they take their lives before they even make the attempt.

□ 1945

We need to do a better job of outreach to those folks to make sure that they know that they have the support of the veterans community and the larger community at home.

We have to treat these unseen battle scars with the same gravity and respect as the visible ones. We owe it to our Nation's heroes to end the tragedy of veteran suicide. This is a conversation I am proud to be a part of. I am committed to constructive results.

Mr. Speaker, I want to thank Ms. SINEMA again for her leadership on this and for organizing this evening.

Ms. SINEMA. Mr. Speaker, I thank Congressman PETERS, and I thank him for his willingness to work tirelessly with me and with others on the issues that we know affect not just Howard and Jean and their son Daniel, but many other veterans around the country.

Mr. Speaker, I yield to the gentleman from Florida (Mr. YOHO), who is joining us for the fourth year in a row. I thank him so much for being here.

Mr. YOHO. Mr. Speaker, I thank Ms. SINEMA for putting this on for 4 years in a row because this is such an important topic that we all need to be engaged in as a nation. Mr. Speaker, as Ms. SINEMA and I came in together, she has hosted this Special Order, and I thank her for calling it to the attention of America.

Last year, I remember we stood here on the House floor talking about 22 suicides per day, but the current figures say 20. I would like to think that part of that reason for a decrease in that is the effort that she has inspired people to be more aware of this issue. And I hope that the veterans out there, the people in trouble, are watching C–SPAN tonight and they are watching this presentation, this talk that is coming out of the heart of so many Members of Congress talking about this very important issue and letting them know that we are here and that we are aware of this.

September is National Suicide Prevention Month. As a country, we need to use this platform to make it a national priority every hour, every day, every month of the year. With a reduction of two suicides per day, that is a great thing, but 20 is way too many.

Suicide is among the top 10 leading causes of death in the United States. I urge all Americans to take the time to learn the warning signs and where to find help for someone who may be struggling. From the brilliant comedian Robin Williams, to bullied young kids, to the brave men and women of our Nation's military returning from the battlefield, suicide does not discriminate. Emotional pain and despair can set in and take root in the mind of all ages and across all demographics.

We are focusing on our military because of the liberties and freedoms we experience in this country every day. I am shameful to admit that I take those for granted at times. But we only have those liberties and freedoms from the sacrifice, dedication, and commitment of the people that are willing to lay everything on the line for this country, along with their spouses, their children, and their family.

Too many times, the signs of suicide go undetected, which leave those left behind asking: Why did this happen? What could we have done to help prevent this tragedy?

I had a dear friend of mine who had committed suicide. I grew up with him. I saw him reach out, and in a busy world, we are all consumed. I feel guilty not putting a hand in there to do more to prevent that. I know his family has suffered, I know the people around him have suffered, and I know there is a void in my life that will never be refilled. I often wonder: Had I reached out, would things have been different?

Often, the signs, as I said, go undetected, which leave those asking: Why did this happen?

We can work beyond that. It is so important that we have an open and honest dialogue about the issue of suicide. The more we talk about it, the more we increase people's awareness that there is help and there are alternatives.

Today, a disproportionate amount of our Nation's veterans are falling victim to suicide. After all they have given to this country, it is tragic and unacceptable that our Nation's veterans often suffer alone until it is too late for those around them to help. Sometimes it is out of pride, sometimes it is out of fear, but they don't want to reach out.

As my colleague FRENCH HILL pointed out, at one point in time in this country, there were over 500,000 beds in mental health facilities, and we are down to 50,000. I applaud the work of this Congress and Dr. MURPHY, TIM MURPHY, for bringing this to the spotlight.

By shining a light on the veteran suicide issue, we as a nation start to understand the urgency with which we need to solve and prevent this epidemic that our veterans—not alone, but with their family and their friends—struggle with. Not recognizing the signs early enough all too often leads to that loss of life that if only we were aware of those conditions, those signs, and we reached out and we called, we let somebody know, we could have stopped that and saved a life, saved a family, and saved a veteran.

Our government asks our men and women to please place themselves in harm's way. We as a nation must come together to ensure a strong support system is in place to help them when they come home.

This begins with raising public awareness—like any campaign, if you don't have public awareness, if you don't bring this to the forefront, it stays in the shadows, and the condition goes on and sometimes increases—and eliminating stigmas associated with seeking help. This means connecting combat veterans with mental health providers.

We heard the last speaker talking about telemedicine. That doesn't work for everybody; but for the person that doesn't want to go to a clinic or doesn't have access, it is a great way to go, and a lot of people prefer that. We see that over and over again.

This means additional mental health resources. Again, I am proud that this Congress passed that bill and that the President signed it. And this means prioritizing a change in our Nation's approach to recognizing the needs of others who may be suffering in silence, as I talked about my friend.

Congress and the VA are working to enact changes that will help save our soldiers, but we cannot do it alone, nor can they. It is the American people that will lead the way in changing the way society views, recognizes, and treats mental health conditions.

I saw this at a seminar, and this was so important to me. The mental health issue is not a partisan issue. We need to remove the stigma from mental health. Heck, look at other diseases. Many times it is a chemical imbalance, just like a disease like diabetes or hypothyroidism. You take a medication and you treat it. We don't stigmatize those, so why is there this stigma around mental health issues? It is going to be us as a society saying it is okay, we are here. The diseases aren't stigmatized, like I said, so why are mental health issues stigmatized?

To the men and women whose pain is yet to be known, I say to you I see you and I hear you. I acknowledge I may not feel what you are feeling, I may not feel your suffering, but I and others are here in the community offering our service and assistance in finding support and comfort in one another. It is together that we will survive. It is together that we survive as a nation. We need everybody involved in this.

I urge anyone who is suffering to reach out to those around you and ask for help. This does not mean you are weak or deficient. Asking for help

often is the greatest sign of a warrior or of a leader, the enduring strength and perseverance you possess and that often so many times inspires others, so many times it inspires others often unwilling to reach out for help.

Whether it is out of fear, embarrassment, or humiliation, just know we are here and we welcome you home. My encouragement is that you call a local mental health clinic or your local VA or your Congress Member if you need to. We are here to help you. You are never alone. Your country depends on you, your spouse depends on you, your children depend on you, and we as a nation depend on you.

I thank my colleague again, for the fourth year. I look forward to doing this with her next year so that when we report back, we are not at 22, we are not at 20, we are at 10. Ms. SINEMA and I, this Congress, and our Nation can do that. God bless you.

Ms. SINEMA. Mr. Speaker, I thank Congressman YOHO. It has been an honor to continue working on this issue with him.

Mr. Speaker, I yield to the gentleman from Iowa (Mr. YOUNG). We co-chair a task force together to combat identity theft and fraud, and it has been wonderful to work together on that issue. I am so grateful to continue working together with him on the issue of mental health and preventing suicide for the brave veterans who serve our country.

Mr. YOUNG of Iowa. Mr. Speaker, I thank the gentlewoman from Arizona (Ms. SINEMA). I appreciate our working relationship on this issue and so many others.

According to the Department of Veterans Affairs, every day, as we know, and we hear it too often, 20 veterans take their lives. Mr. Speaker, this is simply unacceptable.

In April, an Iowa veteran called the VA Veterans Crisis Line, the confidential, toll-free hotline providing 24-hour support for our veterans seeking crisis assistance. This veteran was having a rough day. This veteran needed help.

As the veteran sought the help he desperately needed, the phone kept ringing and ringing and ringing. He tried again. But the only answer was: ''All circuits are busy. Try your call later.''

This hotline designed to provide essential support for veterans and their families and friends let him down. This heartbreaking story is tragically true. It is not unique, though. Thankfully, this veteran was able to contact a friend who got him the help he was seeking.

In 2014, a number of complaints about missed or unanswered calls, unresponsive staff, as well as inappropriate and delayed responses to veterans in crisis, prompted the VA Office of the Inspector General and the Government Accountability Office to conduct an investigation into the Veterans Crisis Line.

Both investigations found gaps in the quality assurance process and provided a number of recommendations to address the quality, responsiveness, and performance of the Veterans Crisis Line and the mental health care provided to our veterans.

Despite promises by the VA to implement changes to address problems facing veterans who use this crisis line, these problems are still happening. They happened to constituents in the district I am privileged to represent, and they are, without a doubt, happening in the districts of my colleagues.

Veterans deserve more. They deserve quality, effective mental health care. A veteran in need cannot wait for help. Any incident where a veteran has trouble with the Veterans Crisis Line is simply unacceptable. How did we let this go on?

The Iowa veteran's experience that Saturday evening in April has troubled me. His experience is why I have been working on a bill in a bipartisan manner which upholds the promises our country has made to our veterans.

My bill, the bipartisan bill, the No Veterans Crisis Line Call Should Go Unanswered Act, H.R. 5392, requires the VA to create and implement documented plans to improve responsiveness and performance of the crisis line. It is an important step to ensure our veterans have access to the mental health resources they need and they deserve. The unacceptable fact is, while these quality standards should already be in place, they are not. They are not in place, and they should be.

My bill does not duplicate existing standards or slow care for veterans. Instead, my bipartisan bill puts in place requirements aligning with recommendations made by government accountability organizations to improve the Veterans Crisis Line.

My bill requires the VA to develop and implement a quality assurance process to address responsiveness and performance of the Veterans Crisis Line and backup call centers, and a timeline of when objectives will be reached.

It also directs the VA to create a plan to ensure any communication to the Veterans Crisis Line or backup call center is answered in a timely manner, by a live person, and to document the improvements they make, providing those plans to Congress within 180 days of the enactment of this bill. We cannot wait any longer. We cannot wait any longer.

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Our bipartisan bill would help the VA deliver quality mental health care to veterans in need.

Iowa veterans and all veterans have faced enormous pressures, mental and emotional war wounds, sacrificed personal and professional gains, and experienced dangerous conditions in service to our Nation. Many are returning home with post-traumatic stress disorder and other unique needs which require counseling and mental health support. We should thank them for their service, but thanking them is not enough. They deserve better. That is why I have introduced, with bipartisan support, this bill to honor and thank our veterans and let them know America supports them. Our veterans answered our Nation's call, and we shouldn't leave them waiting on the line.

I thank the leadership of my colleague, Ms. SINEMA of Arizona, for taking the time to bring attention to this important issue, and all our other colleagues here on both sides of the aisle.

Ms. SINEMA. I thank Congressman YOUNG for joining us this evening.

Mr. Speaker, I would like to take the time to yield to another speaker in this bipartisan Special Order hour, a colleague of mine who has served our country ably.

Congressman DOUG COLLINS of Georgia served a combat tour in Iraq in 2008, and he currently serves as an Air Force Reserve chaplain. I am very grateful that he has taken the time to join us this evening to talk about the unfortunate continuing problem of veteran suicide and our work to provide mental health care for them in this country.

Mr. Speaker, I thank Congressman COLLINS for being here.

Mr. COLLINS of Georgia. Mr. Speaker, I appreciate my colleague from Arizona (Ms. SINEMA) for doing this. It is really something that we need to highlight more.

I am glad to be here tonight. I had forgotten that this was the night you were going to be here. I have something that we are going to be talking about here in a little bit, but this is perfect timing for it because it is so important.

The issues that we deal with and the seriousness of this topic is the stigma. And still being in the Air Force and looking at how the military has dealt with this issue is something that is frustrating for those of us who do it all the time.

I was in the Navy for a short time. I got out for a little bit. I went back in the Air Force. And in my 15, 16 years in the military, we have been through, like, four different programs on how to help servicemembers with suicide.

The bottom line is that we don't need more courses. We need just more care for our airmen and our soldiers and our sailors, and looking at it from a perspective of caring about the other person. It is not a course; it is caring. It is looking at signs and knowing that there are people who are out there hurting, but also taking an account of what I have heard many of the speakers tonight talk about, and that is the issue of mental health.

My daughter, who I love dearly, has spina bifida. She cannot walk. She has not walked at all since birth. She is paralyzed from the waist down. If she was to roll in here tonight or to roll anywhere, one of the first things that we see so many times is that people

react with sympathy a little bit toward Jordan. She is in a wheelchair, and it is sort of natural. When you see somebody with a handicap or something that is not normal, Mr. Speaker, they react with sympathy.

But my question is: What is the difference in someone who has a visible need, if you would, and the reaction that we get when someone says, My mind is hurting?

Sympathy doesn't come many times then. We believe you can just shake it off and move on.

Mental health is an issue that is not just shake off and move on. It is something that, if someone comes to us and says, I am struggling, I am depressed, or I have these problems, that we reach out in loving kindness, just as we would to a sweet young lady who happens to roll in life and not walk, my daughter.

When we reach out in love, when we reach out in compassion, we begin to break the darkness of those who are contemplating suicide.

In studies of those who have thought about suicide or attempted suicide, their question to them was: What was it like the moment that you were thinking about this or when you were struggling with it?

I have heard so many people share their own personal feelings, but one person stuck out to me. They said that they felt like they were sort of in blinders on all sides and all they saw was, like, a billboard that said: You have no hope.

That is all they saw.

It is our job as human beings—not partisan, not Republican, Democrat, politician, nonpolitician—it is our job as human beings to look at each other as we say and believe that every life is a gift from God. And if every life, I believe, is a gift from God, then every life has value. And no matter what the situation may be, we are to respond in love.

So tonight I thank the gentlewoman for taking this time, just a moment, as we share. There are a lot of bills, a lot of solutions, a lot of things that we could come to. But I think the greatest thing that we can have in a time when we think about suicide, we think about our veterans, we think about those in our lives who may be struggling with mental health and other problems, is to simply look for those what I call the unexpected times when you are ready to go do something and something interrupts you, what I call sometimes maybe the divine interruption. Those times when somebody that you haven't thought about in a while comes to your mind, that time when a coworker or a friend comes to you and says: You know, I am not feeling right. Instead of rushing through our day and going to the next meeting and going to the next place, Mr. Speaker, maybe we just need to stop and say: How about a cup of coffee? How about a glass of water? How about I just sit here and let's talk about it? Because when we can break the tunnel vision that there is no hope, if you can begin to chip at that tunnel, then the light will come in, and they will see that others care. To me, that is the greatest call of our humanity, is to show love for others.

For one to take their own life because they believe they are unloved is a situation that we all need to fight against, and I am thankful to have the opportunity to highlight that tonight.

Ms. SINEMA. I thank Congressman COLLINS so much.

Mr. Speaker, how much time do I have left remaining?

The SPEAKER pro tempore (Mr. CARTER of Georgia). The gentlewoman from Arizona has 10 minutes remaining.

Ms. SINEMA. Mr. Speaker, I need to tell a story about another young man in my district, Carl McLaughlin, a 38-year-old Army veteran who died from suicide on December 19, 2013. Carl had been stationed in Bosnia, and he was released from the Army on a medical discharge in 2004.

Starting in 2006, Carl went to the Phoenix VA for treatment. But as time went on, it became increasingly difficult for Carl to see his doctor. And according to his mom, Terry, at the time of his death, Carl was waiting to hear back from the Phoenix VA to have his medications adjusted and to see his doctor. He suffered from recurring pain caused by a shoulder injury, severe hearing loss, depression, and PTSD; and his depression worsened over time.

Terry, Carl's mom, told us, and I quote:

The last time I saw Carl was a few days before his death. He looked really depressed, and I asked him if he had a doctor's appointment scheduled because I knew he had been waiting over 4 weeks for a call back from the doctor's office.

He said, No, he was still waiting.

He called them the next day six times and left three messages and was put on hold, and then hung up on three times.

This problem had been going on for at least 1 to 2 years, that I was aware of.

Mr. Speaker, no veteran should be turned away when he or she reaches out for help.

Terry asked us to share her son's story in the hope that this tragedy doesn't happen to another family. And I pledge to Terry and to Howard and Jean that we will continue working to hold the VA accountable and ensure that all veterans have access to the highest quality care.

I yield to the gentleman from Iowa (Mr. LOEBSACK).

I thank the Congressman for being here.

Mr. LOEBSACK. I thank my friend from Arizona.

Mr. Speaker, I wasn't going to speak tonight; but after listening to so many folks, I decided to say just a few words. I do want to leave most of the time left for my friend, Mr. MURPHY of Pennsylvania, who has been a leader on the mental health front. But I do want to say a couple of things on this issue.

Mental health is a really, really important issue to me as it is to so many folks in this body and around the country.

I often talk about my mom. She was a single parent with an 11th grade education who struggled with mental illness. Her whole adult life, she was in and out of institutions. This is personal for me.

My wife Terry and I, we have two Marine children. My stepson, Terry's son, and his wife are Active Duty at Camp Pendleton. They have a couple of little kids. We do what we can to help them on that front.

We had a recent suicide in Iowa City at the VA Medical Center, and we are struggling with how to deal with that as a community and I think as a country overall. The Office of the Inspector General is now looking into the circumstances of that suicide.

On Sunday, on 9/11, we had an event that I was honored to attend in honor of Sergeant Ketchum and his family in an attempt to raise money so that we can deal with the issue of PTSD in the military. But it is a much broader issue, obviously—the issue of mental health—that affects all of our society in many, many ways; and Congressman MURPHY can speak to that probably as well as anybody in this body.

But the bottom line for me, folks—and I have often said this—is that if I accomplish little else while I am in this body other than doing what I can to remove the stigma of mental health, that is going to be one of my accomplishments. I am going to do that by talking about my personal story. I am going to do that by talking about veterans who have taken their own lives, folks who signed on the bottom line and were willing to make that ultimate sacrifice. There is no excuse for this. This should not happen in America.

We have to find the resources on a bipartisan basis to make sure that this never happens again to any of our veterans under any circumstances.

Mr. Speaker, I thank the gentlewoman for yielding. I really appreciate the opportunity to say a few words.

Ms. SINEMA. Mr. Speaker, I thank the Congressman so much.

I yield to the gentleman from Pennsylvania (Mr. MURPHY) who is a psychologist, serves the Navy, and helps veterans at Walter Reed and other locations.

Congressman MURPHY, we have been talking about your bill this evening, the Helping Families in Mental Health Crisis Act, of which we are all strongly supportive. As a cosponsor, I thank you for that work, and thank you for joining us this evening.

Mr. MURPHY of Pennsylvania. Mr. Speaker, how much time is left?

The SPEAKER pro tempore. The gentlewoman from Arizona has 5 minutes remaining.

Mr. MURPHY of Pennsylvania. Mr. Speaker, I thank the gentlewoman for her Special Order tonight.

The Helping Families in Mental Health Crisis bill is something the House passed 422–2, and I sure hope the Senate takes it up. I keep hearing they may think they don't have time. But I don't know how we tell a family that has lost someone to suicide—whether it be a civilian or a soldier—that the Senate didn't have time and they went home.

Since September 1, the first day of National Suicide Prevention Month, so far this month, 1,416 Americans have died by suicide, including 240 veterans. That is 118 people a day, 22 veterans a day. That also means that every 12 minutes, a person dies by suicide; one veteran every hour. That also means that every hour, a new family is grieving, or every 13 minutes, a new family is grieving on something we hope we could have prevented. And certainly H.R. 2646 will have many things in there to prevent many deaths.

I want to read a story about one veteran to convey the struggle he had. This is Sergeant Daniel Somers who bravely served under Operation Iraqi Freedom. When he returned home, he had PTSD pretty significantly and depression and traumatic brain injury. He was 30 years old.

His parents gave me permission to share his letter where he said:

''I am sorry that it has come to this.

''The fact is, for as long as I can remember, my motivation for getting up every day has been so that you would not have to bury me. As things have continued to get worse, it has become clear that this alone is not a sufficient reason to carry on. The fact is, I am not getting better, I am not going to get better, and I will most certainly deteriorate further as time goes on. From a logical standpoint, it is better to simply end things quickly and let any repercussions from that play out in the short term than to drag things out into the long term. . . . My body has become nothing but a cage, a source of pain and constant problems. . . . It is nothing short of torture. My mind is a wasteland, filled with visions of incredible horror, unceasing depression, and crippling anxiety.''

Daniel couldn't get help, so he lost hope. It doesn't have to be that way. Whether you are a citizen or a family member or a soldier listening tonight, Mr. Speaker, I want them to know there is hope that depression is something we can treat, that anxiety is something we can treat, that people can and do get better.

Now, I, myself, have never seen the horrors of war through the scope of a combat rifle. I have had the opportunity to treat heroes at Walter Reed at the PTSD/TBI unit. They are a source of inspiration to me, particularly when I see them get better, when they come to grips with the horrors they have faced and somehow their heart turns to understand it is not their fault. They are not to blame. Life is sometimes torturous, but there are tremendous positives that can come out of this when they come to grips with that, whether it is a sense of faith in God that has brought them to that level or just finally realizing that they have a choice between being a victim forever and always lying under the giant boulder of remorse and depression or becoming a survivor and moving forward and being strong despite what happened to them. Or a third choice is to become a thriver, saying, I will take my adversity and turn it into a source of strength instead of turning away from it and letting it be a source of depression.

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Mr. Speaker, my colleagues have spoken eloquently tonight about what we can do. It doesn't have to be that bad. So where there is a family member dealing with someone's depression and worry and anxiety or whatever the issue is, I would like to convey to them there are places they can get help.

Our job as Congressmen—and our levels of State government, too—is to make sure those sources are well funded, to make sure we have more psychiatrists, more psychologists, more psychiatric social workers, more hospital beds, and more veterans affairs departments that can treat them.

Perhaps the best message we can give people tonight is: where there is help, there is hope.

I hope the Senate passes this bill before this week is out.

Ms. SINEMA. Mr. Speaker, I thank my colleagues who joined us this evening. Our thoughts are with all the families who have lost a loved one to suicide.

Our efforts to end veterans suicide will not end this month. We are committed to continuing this fight to ensure that our veterans always know they have a place to turn.

We, who enjoy freedom every day thanks to the sacrifices of our military servicemen and servicewomen, must all step up to end the epidemic of veterans suicide.

I yield back the balance of my time.

Mrs. TORRES. Mr. Speaker, our Armed Forces sacrifice everything for us: their bodies, their minds and sometimes, their lives.

To those who return, they far too often suffer in silence from the mental and physical wounds they endure in battle. Many times, that isolation leads to tragic outcomes.

As we commemorate Suicide Prevention Month, it is important that we focus on solving the challenges that lead many of our veterans to make the choice to take their own lives.

The numbers are staggering: 7400 veterans took their own lives in 2014, roughly 20 individuals a day.

The suicide rate among veterans has surged 35 percent since the beginning of the War on Terror, and 85 percent among our women veterans.

A veteran is 21 percent more likely to commit suicide than a civilian.

Mr. Speaker, we know the effects of PTSD on our servicemen and women; how almost one-fifth of veterans suffer from PTSD and how the illness is linked to increased suicidal behavior.

What is most troubling is that almost half of the veterans with PTSD do not seek treatment from the VA.

It is no surprise that 70 percent of veterans who commit suicide are not regular users of VA services. It is our obligation to ensure that we engage our veterans and let them know there is help available.

It is also incumbent on us to ensure this care is responsive to their individual needs.

Last year, we passed the Clay Hunt Suicide Prevention Act in honor of Marine Clay Hunt, a sufferer of PTSD who had trouble seeing a VA psychiatrist and tragically, took his own life.

This law is designed to save the lives of those like Clay by improving access to quality mental health care and coordinating VA suicide prevention efforts with private mental health organizations.

In the spirit of that law, I was happy to learn of the efforts of the VA Medical Center in Loma Linda, California, which serves thousands of veterans from my congressional district.

They are rolling out a pilot program that will integrate with community mental health providers in an attempt to reach the more than 170,000 veterans not registered with the Loma Linda VA.

Their example is encouraging, but funding is needed to make certain that no veteran is left behind.

In that same vein, Congress must fulfill our obligation to VA services such as the Veterans Crisis Line.

The Crisis Line has serviced some 2.3 million people and is credited with saving more than 50,000 lives. However, it has struggled to keep pace with increasing demand.

It was disheartening to hear that there are individuals who have called the Crisis Line only to be placed on hold, or have their calls transferred to voicemail, or simply unanswered.

We must provide the VA with the tools to adequately staff the call center and train their employees. Too much is at stake for Congress to shortchange this commitment.

Mr. Speaker, everyone in this chamber honors and respects the sacrifices of the world's greatest fighting force. Our servicemen and women defend our freedoms and protect our homeland at great personal cost.

When they return home, they deserve a nation that will look after them the way they look after us. I ask that my colleagues hold steadfast in reaffirming our commitment to our veterans.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to commemorate Suicide Prevention Month and to honor those of our veterans who tragically took their own lives after bravely fighting to protect ours.

These courageous men and women fought valiantly so the rest of us could enjoy the freedoms and liberties secured by our forefathers. We must honor their dedication and sacrifice by supporting them through the physical, emotional, and psychological challenges they face upon returning home.

One veteran committing suicide is one too many, and with an estimated twenty veterans committing suicide each day, we must do better and ensure that our actions mirror the unwavering gratitude we feel in our hearts. We must ensure they are welcomed home with the respect, dignity and support they deserve,

and that we address the mental health issues of each veterans population with careful consideration to their unique needs.

It is with a heavy heart that I recognize Suicide Prevention Month and urge every Member of Congress to honor our veterans with actions that reflect our nation's eternal gratitude for their service.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to mark Suicide Prevention Month and to join with my colleagues in helping to raise awareness of—and combat—the staggering rate of suicide among our veteran population.

The men and women of our military make tremendous, selfless sacrifices on behalf of each and every American. As a result, many veterans return from service with physical and/or invisible wounds and a disturbingly high number are taking their own lives.

In July, the VA released the most comprehensive study analyzing suicide among our veteran population to date, reviewing 55 million veterans' records since 1979. It showed that every day an estimated 20 veterans commit suicide. This number is tragic beyond words, unacceptable and numbing.

Mr. Speaker, we are in the midst of what can only be described as a staggering mental health crisis costing the lives of 20 of our nation's heroes every day. Too many veterans are being left behind and too many families are left with the pain and anguish of losing a loved one. Often times, family members witness the veteran struggling but the VA refuses to take their observations into account.

As the son of a WW2 combat veteran, I have witnessed the residual wounds of war, the struggle to cope with the post-traumatic stress that can continue for decades and the pain that a lack of access to services can cause for veterans and their families.

This Congress, we have passed legislation to give the VA additional tools and give veterans key support, including the Clay Hunt Suicide Prevention for American Veterans Act (P.L. 114–2), which targeted the gaps in the VA's mental health and suicide prevention efforts; and the Female Veteran Suicide Prevention Act (P.L. 114–188), which is intended to prod the VA to take into account the complex causes and factors that are driving the disproportionately high suicide rate among women veterans and use that information when designing suicide prevention programs.

The Comprehensive Addiction and Recovery Act (P.L. 114–198) included provisions to direct the VA to take several actions to expand opioid safety initiatives that help prevent veterans from becoming opioid abusers. As a recent Frontline investigation entitled ''Chasing Heroin'' summarized: ''Veterans face a double-edged threat: Untreated chronic pain can increase the risk of suicide, but poorly managed opioid regimens can also be fatal.''

The VA must do better: they cannot simply dole out drugs, as we saw in Tomah. It is a dereliction of duty for VA medical staff charged with the sacred task of caring for our nation's veterans and this law will help ensure proper management and controls are in place when the VA treats a veteran's chronic pain.

The VA does have a number of suicide prevention programs that can be a resource for veterans, servicemembers, their families and loved ones, including and especially the Veterans Crisis Hotline. Any veteran in danger of self-harm or suicide can call, 24 hours a day. It is anonymous and confidential. It is staffed by trained professionals who will ''work with you to reduce the immediate risk, help you get through the crisis, make sure you are safe, and help you to connect with the right services.''

We have an obligation to repay the debt we owe to those who have fought in defense of our nation and a sacred duty to ensure that we do everything in our power to get our vets the physical and psychological support they need.

This year's Suicide Prevention Month theme is 'Be There.' During the darkest hours in our history, the men and women who serve in uniform have always been there to answer the call. We can and must do better to be there for them.

COMMUNITY PHARMACISTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from Georgia (Mr. COLLINS) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. COLLINS of Georgia. Mr. Speaker, before I begin, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material on the topic of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, well, we are back at it tonight. We are going to be going at a subject that I have been down here before on and will continue to come down here on until, frankly, I believe that we are moving forward with this issue that affects pretty much every hometown of every Congressman here. It is amazing, though, how much we don't know about it. It is amazing how much it goes unreported and how much it gets looked over.

In the sake of the shiny object of savings, our community pharmacists, our independent pharmacists, are being basically run out of business. Mr. Speaker, I don't tell you anything new.

For my friends who will join me here tonight, this is about hometown America. This is about the healthcare chain that we all talk about. And a forgotten element of that healthcare chain is something that we need to focus on.

Community pharmacists fill an important niche in our healthcare system, serving as the primary healthcare provider for over 62 million Americans. They dispense roughly 40 percent of the prescriptions nationwide and a higher percentage in rural areas, especially mine in northeast Georgia.

Community pharmacists play such an important role in our healthcare system by being that accessible voice at the other end of the phone or at the counter, just being there sometimes to answer those simple questions that are very important to somebody, or to answer the difficult questions that could, frankly, mean the life or death for that patient, knowing how to take their medication, knowing what to get and how to be there and be a part of the community, not just at the pharmacy, but at the ball fields and the community. Some of the best small business employees that we have in our communities are found in our community pharmacies.

When we look at the relationship that communities have with their pharmacies, and especially our community pharmacists, the face-to-face counseling and the work that goes into our community pharmacies, and pharmacists mainly in general, is something that we need to continue to focus on.

Patients' failure to properly take their medication regimen costs the healthcare system nearly $300 billion and contributes to 125,000 deaths each year. The face-to-face counseling that our community pharmacists give is the most important and the most effective way for ensuring that our patients take the right medicine, know what they are taking, and why they take it.

Yet, as I stated before and state here again on the floor tonight, there is a group that believes that our community pharmacists—really frankly if you just look at it—shouldn't exist. Because everything they are doing, the pharmacy benefit manager, the PBM, that middle person—I want to show you this. We are going to talk about this chart more here as we go—but the PBMs control the pharmacy system right now. In fact, if you just take the PPM here in the middle and you look at employers and you look at patients and you look at the pharmaceutical companies and you look at the pharmacies, they sort of circle around here.

We are going to talk about this ''savings issue'' and look at it and ask: Is it actually saving employers? Is it actually helping pharmaceutical companies get out products? More importantly, is it actually helping the patient?

I think tonight you are going to find out that there are a lot of questions to be had here. We will talk about that as we go forward.

As we look at this, we have a lot of things that my friends tonight are here to talk about. We are going to talk about MAC transparency. We are going to talk about generics. We are going to talk about the way this goes, but we are also going to talk about really what I believe is the unfair tactics used by PBMs that are constantly forcing our pharmacies and our community pharmacists out of business.

I think, at some point in time, many of the PBMs ought to change their mission in life into ''saving'' or being a part of the pharmaceutical system and say: our job is to run community pharmacists out of a job. They are the best I have ever seen at doing that.

In one of my small towns just 20 minutes from my house, in the past year, three community pharmacies have

closed. Three. They are now in a smaller town being forced into choices they didn't want to have to make, into PBM-controlled pharmacies.

You see, PBMs, when they first started, had a good idea: How do we make sure that we get drugs and medications to pharmacies at a cheaper price so that the patients at the end save money and employers can save money?

Then PBMs decided that they wanted to be a part of all the system. They wanted to start owning pharmacies. They wanted to start owning the supply chain. They wanted to start being a part of it all. And when they did that then everybody else was competition.

I have said it before from here: The problems that we have—and Georgia pharmacists have talked about it, and we have talked about it as well—is when you have your competitors who are able to come in and audit you and they are able to fine you for clerical errors and keep you out of systems and out of payments and things that they give their own pharmacies, that is just wrong. It is wrong when they only come in and audit the name brands and leave the generics behind.

For some of you, if you are watching, if you are thinking about it and hearing my voice for the first time, you are maybe saying: Well, that is okay. They are making sure systems are safe.

PBMs are not auditing pharmacies to make sure they are safe. They are auditing pharmacies to make money because they are going to withhold the cost of the drug from the pharmacist. In other words, if they make a clerical error and the drug costs $100, let's just say, they don't take their profit. They don't take the margin. They take the entire $100 back. I wish I had a racket set up that good.

The sad part about that whole statement there is, at the end of the day, Joe or Suzy or Bob or Bill or whoever came and got their prescription knew nothing about this ''error.'' All they knew is the pharmacist filled the prescription that the doctor had ordered, and they went home and took their medicine and got better.

Yet, on this other end, PBMs are trying to destroy an industry and a group of people who mean so much to our communities. So tonight we are going to talk about it. We are going to talk about it some more, and we are going to keep bringing attention to this until the light is fully shined on this.

Tonight, as we get ready to talk about it, a gentleman who has been such a friend to us as we have been doing these, Representative LOEBSACK, is here tonight. It is good to share the stage again with him because this is something that needs to be discussed. It needs to be hammered home until every Member of the House and Senate understand this and we find a workable solution.

I yield to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Mr. Speaker, I thank the gentleman from Georgia (Mr. COLLINS) for inviting me to join him in leading this Special Order. I have been in this job long enough to know there are people you don't want to follow when you speak, and DOUG COLLINS is one of those. The guy is absolutely inspired, but he is inspired for a lot of reasons.

He has been a strong leader on pharmacy issues. He has been a great partner on the bills that we will discuss this evening. I am proud to say this is a bipartisan issue. Although, at the moment, I am the only Democrat over here, I can assure you there are others who are with us on this issue.

Mr. COLLINS of Georgia. Well, bring them on.

I yield to the gentleman from Iowa.

Mr. LOEBSACK. Mr. Speaker, we have been able to find a consensus on this, too, among this bipartisan group of folks.

As my good friend said: Pharmacists across the country serve as the first line, really, of healthcare services for many patients, especially in small towns in Iowa and around the country. People count on pharmacists' training and expertise to stay healthy and informed and maybe, most importantly, to stay out of urgent care centers and hospitals, something we all want to see happen.

I am proud to stand here today with my colleagues to recognize the quality, affordable, and personal care that pharmacists provide every day.

Community pharmacists and their pharmacies are also a great source of economic growth in rural communities, like those in my district in Iowa. I have 24 counties. It is a big area. And when a pharmacy is under pressure economically, the community knows it and hears about it. And if they have to close, the community suffers as a result.

As a member of the Small Business Caucus, I recognize how challenging it can be for some small pharmacists to compete with bigger companies. I appreciate their hard work to serve our communities every day.

Like most small-business owners, community pharmacists face many challenges to compete and negotiate on a day-to-day basis with large entities in their business transactions. I frequently visit with community pharmacists in my district, and I have heard directly from them how hard they have to fight to compete on a level playing field that isn't always level for smaller pharmacies. So it is not really a level playing field.

One pressing challenge facing many community pharmacists, as was already mentioned, is the ambiguity and the uncertainty surrounding the reimbursement of generic drugs. Of all things, it is the reimbursement of generic drugs.

Generic prescription drugs account for the vast majority of drugs dispensed by pharmacists, making transparency in reimbursement absolutely critical to the financial health of small pharmacies. However, pharmacists are reimbursed for generic drugs through maximum allowable cost, or MAC, a price list that outlines the upper limit or the maximum amount that an insurance plan will pay for a generic drug. And these lists are created, as was mentioned, by none other than the pharmacy benefit managers, or PBMs, the drug middlemen, if you will.

The methodology used to create these lists is not disclosed. Further, these lists are not updated on a regular basis, resulting in pharmacists being reimbursed below what it costs them actually to acquire the drugs. This is a major problem because, when PBMs aren't keeping the cost of generic drugs consistent, those price differentials can be a serious financial burden for pharmacies.

Small pharmacy owners face even greater disadvantages than their larger counterparts because of the clear lack of leverage they have when negotiating the amount they will be reimbursed for filling prescriptions when dealing with the PBMs.

When we talk about pharmacies closing because they can't keep up with the financial challenge, we are talking about the creation of an access problem also that directly affects patients. It is not just the pharmacies themselves closing down and those folks losing their jobs. It is the patients they serve.

When we talk about reimbursement uncertainty for pharmacies, we are talking about uncertainty about patients' ability to get the medications they need at an affordable price.

When we talked about a community pharmacist being put out of work, we are talking about taking away a familiar face that local folks trust with their healthcare concerns.

To address this problem—and Representative COLLINS is going to talk about this, and others are—I partnered with him to introduce H.R. 244, the MAC Transparency Act. We have had actions along this line in the State of Iowa as well. We can do it at the Federal level if we can do it at the State level.

This bipartisan bill would ensure Federal health plan reimbursements to pharmacies to keep pace with generic drug prices, which can skyrocket overnight.

So specifically—and I know Mr. COLLINS is going to talk about this—it will do three things. It will provide pricing updates at least once every 7 days. It will force disclosure of the sources used to update the maximum allowable cost, or MAC, prices. Again, it is about transparency. It will require PBMs to notify pharmacies of any changes in individual drug prices before these prices can be used as the basis for reimbursement.

This is a commonsense bill, folks. It is about access. It is about making sure folks have access to their pharmaceuticals, to their drugs, and generic drugs in particular.

Another issue I would like to highlight is the problem of direct and indirect remuneration, or DIR fees. The Centers for Medicare and Medicaid Services, CMS, originally coined DIR fees as a means of assessing the impact on Medicare part D medication costs of drug rebates and other price adjustments applied to prescription drug plans.

However, DIR fees have increased greatly over the last year on pharmacies, and, if the pharmacy agrees to enter into a contract with a PBM or part D plan sponsor, it does not seem fair that these mediators can reduce the reimbursement rate since the contract has already been agreed to.

□ 2030

This gets a little bit complicated. I know other Members are going to be talking about this later on as well. There is just basically no transparency regarding how the fees are calculated.

There is another bill that I have signed on to. I applaud my colleagues, Representative MORGAN GRIFFITH, a Republican, and PETER WELCH, a Democrat, for introducing the Improving Transparency and Accuracy in Medicare Part D Spending Act. It would prohibit PBMs and plan sponsors who own PBMs from retroactively reducing reimbursement on clean claims submitted by pharmacies after the contract has been submitted. This is a scam, and it shouldn't be happening. I urge everyone, leadership, to bring this to us and everyone to vote for this bill and for our other bill.

I want to thank, again, Mr. COLLINS and the other Members who have been here tonight. It is a great opportunity for me to participate and highlight some problems that our community pharmacists are facing and then, ultimately, their patients, the folks they serve as well. Those are the folks we are trying to look out for as best we can and trying to serve while we are here in this Congress. I thank Mr. COLLINS very much.

Mr. COLLINS of Georgia. Madam Speaker, Mr. LOEBSACK hit it. That last little part right there was dead-on. This is about the patient. This is about serving that patient who is used to that trust and faith, who understands it, and also really a part of that healthcare system that has been provided a long time that is now at risk of going away.

It is not too strong to say that if we do not look at this—and some say, well, this is a free market, let them go contract. Government is one of the biggest payers of this, and this is something we have got to get at.

In fact, something Mr. LOEBSACK brought up as I was listening to him talk, there was a study, TRICARE, in fact. In just a moment, I am going to introduce Mr. SCOTT here. He is from Georgia. He is on the Committee on Armed Services. He is a friend. But TRICARE did a study where it found that, if it eliminated PBMs from the TRICARE program, it would save roughly $1.3 billion per year. We are up here arguing about problems in our budget, and we could save this much money?

No, this is about profits. This is about consolidation. This is about vertical integration. This is about taking control of a market in which three to four companies control 83 percent of the market. We are not talking about a small little startup. Mr. LOEBSACK is right on, dead-on. I thank him so much for the work that he is doing, and I appreciate it.

In light of that, especially dealing with TRICARE, again, the bottom-line issue here is how we cost-effectively provide services to those members in our communities who need it the most. And this issue of savings, I know there is a Texas study that also showed if they went away, they would save money as well, in the millions of dollars. It is building, but we have just got to keep pointing it out.

I yield to the gentleman from Georgia (Mr. AUSTIN SCOTT), my friend, my longtime colleague not only in the House in Georgia, but the House up here, and fighting for the very values we find in Georgia and all across the country.

Mr. AUSTIN SCOTT of Georgia. Madam Speaker, I want to thank Mr. COLLINS and I want to thank my colleague from Iowa. This is a bipartisan issue.

Before I speak on behalf of the community pharmacists, I want to just take a second and speak on behalf of the taxpayers, the hardworking men and women in this country.

Free markets are transparent markets, and if we had transparency in the system, we probably wouldn't be here today because the American public wouldn't stand for what is going on. Unfortunately, we haven't seen any news reports or any reporting to inform the public of all of the things that have happened over the last couple of years, but we saw it on the EpiPen just a couple of weeks ago. You saw what happens when the press reports, the public finds out what is going on: pressure is put on, and then a response comes—maybe not the response that would have been what we would call equitable for the patients that need the treatment, but at least a response came.

It is not just EpiPens, though. It is not just multihundred-dollar drugs and multithousand-dollar drugs. When we talk about drugs as simple as nitroglycerin tablets, again, you, as the taxpayer, are the largest purchaser of this through the government. Nitroglycerin tablets have gone from 5 cents apiece to $5 apiece. Doxycycline tablets, an antibiotic that has been on the market for many, many years—again, another generic drug. It has gone from pennies apiece to dollars apiece.

I know my colleague, BUDDY CARTER, could probably name more drugs for you than I can where we have seen those same type of hundredfold increases in the price of drugs. I can tell you that the hardworking taxpayers of this country, in the end, pay that bill.

One of the best things that we can do for you is make sure that we are trying to shed light on and bring transparency to this system and to make sure that we are keeping that small-business owner in business so that we are able to get the information that we need to do a better job for you from them. That is where our Nation's community pharmacists come in.

I know for me, I walk into my local pharmacist, and they can tell me right offhand what the most egregious price increases were of the past week, and they are happening every single week, ladies and gentlemen. These independent businesses operate in underserved rural areas, like many of the counties that I represent in Georgia's Eighth District.

Access to care is already an issue in these areas, and it would certainly be much worse if our community pharmacies didn't exist. In these areas, doctors are many miles away. Local pharmacists deliver the flu shots. They give advice on everything from over-the-counter drugs to drug interdictions, and if you have got a sick child, most of them will meet you at the store after hours to help your child get the medication that they need. Try that with somebody who is not a small-business owner.

It is crucial that these pharmacies have a level playing field to stay in business against large-scale competitors and the middlemen, if you will, the pharmacy benefit managers, when trying to run a successful business in such a challenging and complex environment as the U.S. healthcare system.

Where I am from, these local pharmacists are fixtures in their communities. They have known their customers most of their lives, and it instills a level of trust in those patients that is rarely seen in today's day and time.

I have made some stops at these local community pharmacies: some to get my own prescriptions filled, some to see how things are going with the small-business owners, some to see how other things are going in the community. I never fail to appreciate the unique value that the men and women that work in these local pharmacies add to their customers' lives and to our communities.

Unfortunately, on these visits, I am also troubled because I continue to learn, as I have mentioned before, just how much more difficult it is becoming for those men and women to serve the people who have depended on them for years and to compete with some of the larger entities in the healthcare marketplace.

Imagine a situation where your competitor's company gets to come in and audit your books. That is exactly what happens. That is exactly what happens when one of the big-box retailers who

owns a PBM goes in and audits the local community pharmacy.

Take, for example, one of the other problems that we have: the increased prevalence of preferred networks in Medicare part D plans. Currently, many Medicare beneficiaries are effectively told by pharmacy benefit managers, or PBMs, which pharmacy to use based on exclusionary agreements between those PBMs and, for the most part, big-box pharmacies.

Most people don't recognize that the big-box owns the PBM. Patients pay for this. They pay for this in lower customer service and higher copays. When their pharmacy of choice is excluded from the preferred network, it creates undue stress on the patients and forces them to do business where they may not want to do business. The majority of the time, your local pharmacy is never given the opportunity to participate in the network. That is an unfair business practice.

Another issue I often hear about from community pharmacies is the burdensome DIR fees. We as Americans, we pretty much assume that when you go in and you buy something and you leave with what you pay for that the transaction is over. But with medicine at your local pharmacy, it is a lot different. That transaction is anything but clear and simple for the pharmacist.

Pharmacy benefit managers use so-called DIR fees to claw back money from pharmacies on individual claims long after the claim has been resolved. It can be a typographical error and the pharmacy benefit manager will call back 100 percent of what was paid to the pharmacist. That means the pharmacy doesn't know the final reimbursement amount they will receive for a claim for weeks or even months; and even more so, they are not even reimbursed for the wholesale cost of the drugs that they dispense. In 2014, CMS issued proposed guidance that would provide some relief to our pharmacies struggling to deal with the increasing and opaque DIR fees imposed on them.

As I said, anyone who runs a business knows you can't operate when you don't know what your costs are or what your reimbursements are. That is why I have led over 30 of my colleagues in sending two separate letters to the Centers for Medicare and Medicaid Services urging them to move forward and finalize proposed guidance on this issue. Unfortunately, they have yet to move on that guidance.

I and, I know, many of my colleagues, in a bipartisan manner, are going to continue to advocate for CMS to use their authority to ensure a level playing field for all Medicare part D participants. When competition is stifled and our small businesses suffer, so do the customers of our local community pharmacies. I hope the committees of jurisdiction will consider these bipartisan bills.

Madam Speaker, I want to thank you for your time. I want to thank Mr. COLLINS for hosting this Special Order today.

Mr. COLLINS of Georgia. Madam Speaker, I thank Congressman SCOTT. He has highlighted a lot of things, and I think it is something that just matters. Sometimes we go through a lot of the big pictures up here, and we see a lot of issues, but this is one that matters to hometown. This is Main Street USA. This is something that goes on. Especially for districts like mine and for many others in rural communities, the pharmacy, especially the independent community pharmacies, are the lifeblood in these communities

I have said this before, and I have had this asked of me because we have been doing this a while. Let's make it very clear. Pharmacists, I love. I don't care who they work for. Pharmacists are great folks, whether they work in a big-box store or they work for a major chain or they are independent and own their own business. Pharmacists want to help people. That is why they went into it to start with.

I think what we are fighting here is a system. I have talked to many pharmacy students who are now saying they are not sure they want to go into this or they are very concerned about their futures because they are looking at the abusive policies of PBMs, and they are saying: I don't want to follow in my mom or dad's footsteps; I don't want to follow and open up a storefront and hire people because I can't make it this way. And they end up being forced in.

I want to talk a little bit—we have been vague about this, but I am not going to be vague here for the next little bit. I am going to talk about PBMs and this regular auditing of community pharmacists to recruit large reimbursements. Let me go back over this.

There is nothing wrong with audits performed with the intention of uncovering abuse; however, PBMs' auditing has another motivation. Pharmacists have told me that the most expensive prescriptions are always the target during the audit—always.

PBMs used to audit only the most expensive medications looking for clerical errors like typos, misspelled names or addresses, or, better yet, as I just heard recently from one of my pharmacists, in which they dinged one of my pharmacists because the doctor wrote a specific amount for an eye medication—the doctor. Let's make this very clear now. I know Representative CARTER is probably going to get into this a little bit more, but the doctor himself wrote the prescription. The prescription goes to the pharmacist. The pharmacist filled the prescription as the doctor said. But when the PBM auditor got there, they said: No, you are not supposed to use that amount. Use this amount.

I want to know what medical school this auditor went to. I want to know when they decided to start practicing medicine without a license where they can come in and say amounts. I can understand swerving to a generic over a name brand or a name brand over a generic. That is within sort of what we have become used to. But when they can actually go in and ding one of our pharmacists for amounts that the doctor said, we have got a system that is a little bit abusive. Well, let me rephrase that. It is downright corrupt.

They go in and they do these audits. They find these clerical errors. And when they do this, they take back, they recoup, all the funding paid for that prescription. Like I said earlier, they don't take back just the profit. They don't take back the cost. They take back everything.

These audits are not intended to end Medicare fraud. The PBMs use them to take taxpayer funds and claim them as profits. If a pharmacist checked the box that said send by fax instead of send by email, the PBM is able to reclaim the entire cost of the drug. They don't just take back the copay or the pharmacist's profit.

Again, I just want you to understand how crazy this is. But, you see, instead of looking and having their time and effort of audits that could be better spent helping local pharmacists do what they do best, they are having to look over this all the time, focusing on improved quality for their patients.

□ 2045

The PBMs, frankly, have shown over the last little bit that they are not interested in the well-being of the patient. They are interested in that other P word, profit, not patient.

It is really concerning, and this is what has happened. In the interest of that profit, the PBMs have engaged in anticompetitive business practices. Certain PBMs own or have ownership stakes in the very pharmacies they are negotiating to lower drug prices with. When a PBM is owned by the entity it is supposed to be bargaining with, there is an inherent conflict of interest. This can lead to fraud, deception, anticompetitive conduct, and higher prices.

Here is a great one. I love this. Many large PBMs own their own mail order pharmacy and financially penalize patients that use their community pharmacist instead of the PBM-owned one. PBMs try to drive customers from community pharmacies into the mail order firms, arguing it saves consumers and drug plans money.

However, a study by the Taxpayers Protection Alliance highlighted waste, fraud, and abuse within the mail order system run by the PBMs. The TPA study noted that 90 percent of patients were moved to mail order due to encouragement or mandate from a PBM.

According to Medicare data, PBM-owned pharmacies may charge as much as 83 percent more to fill prescriptions than community pharmacists. PBM's practices limit consumer choice, increase drug prices by engaging in vertical integration in their ownership of mail order pharmacies, killing competition.

And here was one that was classic. I walked into one of my smaller towns. It had a pharmacist. And the pharmacist said: I got in trouble. I got a letter.

They showed me the letter. They delivered some medicine to some of their customers. They get a letter from the PBM saying, You are not in the mail order business. And they actually were going to have their contract threatened if they sent these people their drugs.

Representative CARTER is going to talk in a minute. I just want to break for a second. But that is unbelievable that they actually will get on the pharmacies and say: You can't reach out, you can't contact your customer to tell them that they can be a part of the plan.

One of my pharmacists actually was left off of a plan that they were actually on. The PBM sent a letter to all his customers saying that they are not a part of the plan, when, in actuality, he was. And then, when confronted, they refused to send a letter out to the customers saying: We are wrong.

Just briefly, am I highlighting something that is uncommon? Or is that a common practice?

Mr. CARTER of Georgia. No. It is. As the gentleman states, it is a very common practice. And you know, it is downright unAmerican.

Small businesses are the backbone of our economy here in America. When you do not allow a small business to participate, even if they are willing to take the reimbursement that an insurance company is offering, but that insurance company, nevertheless, will not let them participate, that, in my opinion, is unAmerican.

Mr. COLLINS of Georgia. You have hit something. You have led into a great example. This is highlight. And if there are problems, let's fix them. You hit on that issue.

We have heard of DIR fees tonight. We have heard about reimbursements. Let me leave you an example from a little company called Humana.

I had a pharmacist call me about proposed amendments to their Pharmacy Provider Agreement. Humana decided to withhold $5 per prescription from initial reimbursements to the pharmacy. Now, you understand what is happening. They are withholding $5 of what they should be sending to the pharmacy. The return of the reimbursements was conditional on the pharmacy meeting certain patient adherence metrics. This is essentially a fee conditional on meeting certain performance standards, and Humana would withhold reimbursements from poorly performing pharmacies.

That sounds good, doesn't it?

It has got a great twang to it. Somebody in the marketing office there thought, This is going to be pretty cool. It sounds so good, but let's talk about it.

Humana's criteria, however, had little to do with patient care and more with driving community pharmacists out of the market. Many of the metrics used, including patient adherence, are beyond the control of the pharmacist.

Humana's amendment unduly burdens small pharmacists and protects large chain pharmacies, many of which they own. Humana enlisted their actuaries to ensure this formula guarantees they will retain 60 percent of the withheld reimbursement moneys, most of it coming from community pharmacists.

Pharmacists in the 80th percentile and up in each category would receive $2 per category. If a pharmacy meets expectations in all three categories, they will earn $6—a $1 profit per prescription. Now, remember, this is what was already withheld from them. Pharmacists below the 80th percentile would receive .67, or 67 cents; and below the 50 percent percentile would receive none of the reimbursement that they withheld. This is a reimbursement that is supposed to go back to the pharmacy. They are not getting any of it. Many of the community pharmacists often can't afford to lose this additional 33 cents to $5 for every prescription they fill. Only big box pharmacies really have that ability.

Humana also favors big box pharmacies by allowing the number of patients to serve as a function of a tiebreaker. This amazed me. For example, a community pharmacist and a big box pharmacist might both have 100 percent adherence to certain performance measures. However, if the big box pharmacy served more patients than the community pharmacist, it will achieve a higher percentile score than the community pharmacy.

Humana disproportionately favors large chain pharmacies at the small pharmacies' expense. Certain pharmacies have enough patients to minimize the effects of patient nonadherence to their ratings. At independent community pharmacies, one patient's nonadherence could cost pharmacies thousands of dollars by moving a pharmacy from the top bracket to one below.

If somebody were listening to us, Representative CARTER, they would say we were making this up. We are not. I have been doing this now for well over a year—almost 2 years now. I have never been challenged on these facts. They don't like it. And they are listening probably right now, saying: What can we do to go settle this down?

But it is just not right when they look at these things and they see savings in the State governments. It is like they are saying: Look at the shiny object over here. Don't face reality.

This one is just amazing to me. When you are taking money that should go back to the pharmacist and putting them on this metric scale that they can't compete on; or you are taking their customers, but won't allow the pharmacist to reach out, these are the kinds of things that just really, really are amazing to me.

I wrote a letter with the gentleman urging CMS Acting Administrator Slavitt to review Humana's proposed amendments for their part D Pharmacy Provider Agreement. This is just something that has got to change as we go forward.

There is nobody that knows that any better than Representative CARTER, knowing the situation. I have said this all along. I do this because I have been helped so much by community pharmacists and believe when wrong is wrong, you call it. When you can, try and make it right.

You have lived this. And you continue, by your service on the Georgia legislature and up here, to help us continue to be on the front lines, continuing this fight. You are there working it out as well.

Tonight, I think we just need to continue the practice of saying, Here are the facts, and encouraging our committees of jurisdiction to take action on this and just evaluate it.

We have the MAC transparency, the clawback bill. These bills have a chance just to be heard, because I found that every time I share this with Members, they can't believe it. They want to know more. And when we show them the facts, they say: This needs to be discussed.

We have some time tonight. I want to share what you are seeing as we continue this fight for what is right.

Mr. CARTER of Georgia. Well, I want to thank the gentleman for organizing this and for bringing this to light.

This is something that I know you are obviously very passionate about and that you have worked on for a long time; many years.

You know, it is not just you. You are obviously a leader here. But also, Representative SCOTT, who spoke earlier. Representative LOEBSACK. I may be the only pharmacist in Congress, but we have many friends of pharmacy in Congress, and we appreciate this very much.

But even more so—if I may, even more so, what you are concerned about, what Representative SCOTT, what Representative LOEBSACK, what everyone up here is concerned about is patient care. That is what we are talking about.

Mr. COLLINS of Georgia. Exactly. What you are saying, every time we do this, we gain Members who begin to look at the issue. They just don't believe what the PBMs bring to them.

All I am asking for me and I know for you is for every Member here to go talk to a community pharmacist. All they have to do is go talk to them. We are not sharing anything that is not real.

Mr. CARTER of Georgia. That is the whole key. The whole key is that what we are talking about is patient care. We are not talking about community pharmacies trying to pad their pockets. But what we are trying to point out and what you have done so efficiently, particularly with your chart, is to point out what is happening here.

Everyone is concerned about high drug prices right now. It is one of the

biggest subjects that we hear about in the newscasts and everywhere. Granted, this is not the only part of that, but it is a big part of it.

What is happening is we are taking competition out of health care. If we talk about ObamaCare, if we talk about the Affordable Care Act, ObamaCare, whatever you want to call it, my number one concern with is that it has taken competition, it has taken the free market out of health care.

I mean, think about it. Am I talking just about independent retail pharmacies?

No. I am talking about independent health care.

How many independent doctors do you know anymore?

Most of them are members of healthcare systems, most of them are members of hospital systems, which are fine systems, but, again, we are taking away competition. And that is what is happening here.

I thank Representative COLLINS. I want to thank him for, again, organizing and bringing this to light.

As you have mentioned, I have been a community pharmacist for over 30 years. I graduated from the University of Georgia in 1980. Go Dogs. I am just as proud as I can be of my alma mater.

You know, pharmacy has changed tremendously since I graduated. I serve on the advisory board at the University of Georgia at the College of Pharmacy, and I can tell you the quality of students that are graduating now from pharmacy school is just tremendous. The clinical expertise that they are graduating with makes us all in health care very, very proud. I still maintain that pharmacists are some of the most overtrained and underutilized professionals out there.

But, again, I want to get back in full disclosure here. I am a free market person. I am someone who believes in the free market. I believe in competition. And that is all community pharmacists are saying: Let us compete.

But as Representative COLLINS has pointed out so succinctly here, we don't even have the opportunity to compete.

When you have the insurance company owning the pharmacy and making decisions that impact patients and where they can go and tell patients, No, you cannot buy your prescription over here, you have to buy it over here, that takes the free market out of the system. That takes competition out of the system.

Who cannot see that?

There are chains there who will tell you that their operation is a three-legged stool. They have the PBMs, they have the pharmacy, and now they have their health clinics.

Well, what does that do?

It is a great business model, sure, but once they get you, they got you. If you go to a pharmacy and they write that prescription, and then that prescription is filled right there, well, obviously, that is a conflict of interest. But that is what is happening now. If the insurance company owns the pharmacy and tells you that you have to go to this pharmacy, that is a problem.

True story. I owned three community pharmacies before I became a Member of Congress. My wife owns them now. While I still owned those pharmacies, I filled a prescription for my wife at the pharmacy that I own. This was about 3 or 4 years ago. Later on that night, she got a call from the insurance company encouraging her to get that prescription filled at another pharmacy. I am telling you, this is true. Honest. That is just crazy.

Mr. COLLINS of Georgia. Yet, if you had done that, they would have cut your contract off.

Mr. CARTER of Georgia. Well, exactly.

Mr. COLLINS of Georgia. You can't engage in that kind of practice. It is just amazing.

Mr. CARTER of Georgia. Well, it begs the question: How did they know about it?

Here is how they know about it. What happens when you bring a prescription into a pharmacy is we fill that prescription and we adjudicate the claim. What that means is that the community pharmacy's computer calls the insurance company's computer and it tells you automatically whether they are going to pay it and how much they are going to pay.

Well, guess what?

That pharmacy that owns that insurance company that I just called, they have that information. Yes, there are laws against it. There is supposed to be a wall there in between them, but you tell me how that pharmacy knew that my wife had a prescription filled that day at the community pharmacy that I owned at that time.

□ 2100

Obviously, that is what is happening. Representative COLLINS, you have introduced your bill, a great bill. It has to do with MAC transparency, MAC, maximum allowable costs. Let me tell you very quickly what maximum allowable cost is.

We talk about acronyms. Well, nobody uses as many acronyms as the Federal Government uses. I tell people all the time that one of my goals in Congress is to learn at least 10 percent of all the acronyms that we use up here.

But the acronym, MAC, M-A-C, maximum allowable cost, what that is is that insurance companies come up with a list and they say this is what we are going to pay you. This is the maximum we are going to pay you. If you can't buy it any cheaper than that then, I am sorry; you are just going to lose money.

Well, that is okay to a certain extent. We understand that. We can work within that. But what happens is they don't update it, so all of a sudden—and you have seen it. We have all experienced what has happened with the spikes in drug costs here recently, particularly in generic drugs. What happens is that drug goes up. Well, the insurance company drags their feet and they don't increase that maximum allowable cost and, all of a sudden, the pharmacy is dispensing something at a loss.

Well, that is obviously a business model that is not going to sustain. You are not going to be able to stay in business if you are dispensing something and losing money on it.

Then, how do they come up with this MAC list?

What we are talking about here, and what Representative COLLINS' bill addresses is what is called MAC transparency. All we are asking here is to shine light on this, is to have some transparency, so we can see exactly what is going on. And that is what his bill does, and we appreciate his work on that very much.

His bill is a step forward, not only for the industry, but again, for the beneficiary, for the patient. That is ultimately who is going to save money, and that is ultimately what we are trying to do here.

It is no surprise that the costs are going up because of a lack of transparency in the system, no surprise at all. We have got to have more transparency, particularly in the pricing of generics if we are going to be able to create a stable and an affordable healthcare system.

Now, you heard mentioned here earlier, DIR fees. DIR, direct and indirect remuneration, and you heard mentioned clawbacks. Now, let me try to articulate this the best I can and what happens here with these DIR fees, which is something that has come up in the past probably year, maybe year and half or 2 years.

But what this is is, I mentioned earlier that, when the community pharmacy fills the preparation, we adjudicate the claim, that our computer calls their computer, the insurance computer, and it tells us how much they are going to pay. Okay. We are okay with that. We understand what we are going to get paid.

But yet, with DIR fees, months later, the insurance company comes back and says, oh, we told you we were going to pay you $2.50. No, we have got to take back that $2.50. We are not going to be able to pay you that.

Folks, obviously, that is not a sustainable business model. Nobody can stay in business that way. Yet that is the way DIR fees are being imposed now.

Thank goodness, just last week, Congressman MORGAN GRIFFITH from Virginia, our colleague, introduced a bill that addresses Medicare part D prescription drug transparency and DIR fees. I thank Congressman GRIFFITH for that.

Again, keep in mind, folks, we are not talking about, oh, we have got to make community pharmacies profitable. All community pharmacies want

to do is to compete. We just want to have the opportunity to compete on a fair, level playing field. That is all we are asking. We are not asking for any favoritism at all. Yet, when you have got an insurance company that owns the pharmacy, that is obviously a conflict of interest. Who cannot see that?

Again, Congressman GRIFFITH has introduced this bill, and it is a great bill. These DIR fees, a big unknown for pharmacists, as I mentioned. They can sometimes total up to thousands of dollars per month, and they can significantly complicate what your net reimbursement is going to be to cover your cost.

In fact, in a recent survey, nearly 67 percent, almost two-thirds of community pharmacists, have indicated they don't receive any information about when those fees will be collected or how large they will be—two-thirds, two-thirds of the pharmacies here.

And folks, I was so happy to see Representative LOEBSACK. He pointed out that he was the only Democrat here tonight, but I can assure you that there are other Democrats, because this is a bipartisan issue.

Listen, when you go to get a prescription filled in a community pharmacy, they don't ask you if you are a Republican or a Democrat. They could care less. All they know is you are a patient, and we need to take care of that patient, and that is what we are trying to do.

There is another bill that I want to touch on here. It is a very important bill. It is one that has been introduced by another good friend of pharmacy, Representative BRETT GUTHRIE from Kentucky. It is called the Pharmacy and Medically Underserved Areas Enhancement Act, and this is really the pharmacy provider act.

As I mentioned earlier, the pharmacists who are graduating today are so clinically superior to when I graduated. And Congressman SCOTT, I believe, mentioned earlier about the things that pharmacists are doing now: flu shots, immunizations, all of those things that pharmacists are able to do.

Pharmacists are the most accessible healthcare professionals out there. We in America, if we are ever going to get our healthcare costs under control, we have to take advantage of that. We have to take advantage of having that expertise right there before us and having it so accessible.

Representative GUTHRIE's bill, the pharmacy provider status bill, will give us the opportunity to reimburse pharmacists for those clinical services that they are capable of and that they are currently providing. This is something that needs to be done under Medicare part D.

I mentioned Congressman GRIFFITH and what he has done, and it really has been a blessing, then Congressman BRETT GUTHRIE and what he has done, and Congressman COLLINS and what he has done. All of these things are very, very important.

I want to mention one other thing, and that is something that has come out of the Energy and Commerce Committee this year, and that is the 21st Century Cures. 21st Century Cures is a great piece of legislation. That and the opioid bill that we passed earlier this year, I think, are two of the bills that I am most proud of since I have been a Member of this body; and part of that has to do with the fact that they are healthcare bills and I am a healthcare professional.

But 21st Century Cures is a great piece of legislation. It has been passed under the leadership of, as I say, Chairman FRED UPTON and the Energy and Commerce Committee. It has been critical in advancing research. It addresses so many different things.

It increases funding for the National Institutes of Health. It streamlines the process of the FDA and how they approve medications. It offers incentives to companies to come up with new innovations with new medications.

Right now we know of over 10,000 diseases that affect humankind, yet only 500 of them can be treated. 21st Century Cures addresses this. It is a great piece of legislation, and I would be remiss if I did not mention that.

Again, I want to thank Congressman COLLINS, and I want to thank all my colleagues who have spoken here tonight on a very, very important subject.

Again, folks, all we are saying is let us compete. I have had so many patients who have been, their parents, their grandparents, treated at our pharmacy; yet, because their insurance plan changed, they literally left our pharmacy in tears and had to go down the street and have a prescription filled somewhere else. That is not American. It is not right.

Again, I want to thank Congressman COLLINS for giving me this opportunity to speak on this, obviously something that I have dealt with all my life, my professional life. I am very proud of our profession. I am very proud of community pharmacy. I am very proud of the patient care that the community pharmacist and all pharmacists provide to the patients.

So I thank the gentleman for doing this and thank him for giving me the opportunity.

Mr. COLLINS of Georgia. I want to thank the gentleman for being a part and providing an insight that is—as I have said, for those of us who see this and call unfair unfair, and we are learning about it every day, you have lived it, and I think providing those insights is valuable.

The more we continue down this path, it just—and again, I spoke about it. I am on the Rules Committee as well. I talked about it in the Rules Committee, and it was amazing when I heard the other members. Some were on Energy and Commerce, some were on others, and they finally said, that deserves a hearing. MAC transparency deserves a hearing. Griffith's bill deserves a hearing. Guthrie's bill deserves a hearing.

These are things that actually save money, except for the coercive, twist-arm tactics of PBMs who just think that 83 percent of the market is not enough, 83 percent, roughly, of the market is not enough, that they get on people about mail order. They want you to turn—and your insight on how they actually know. That wall, that is the flimsiest wall I have ever seen. Maybe they will start building it better. I don't know. In north Georgia, we built them a little harder than that. But I appreciate that.

I want to go into something tonight, and it is something that we have talked about. It just explains how this works, because maybe some aren't as familiar; they haven't studied this and had a great staff. I have actually had a great staff that have put together—you know, Bob's here tonight. I have got a staff member who is still with me in spirit, but she is not with us. Jennifer has been working on this for a long time.

But I also had Daniel Ashworth. Daniel is an intern, a pharmacist intern who helped us out a lot and helped prepare this. I want to show you this. I showed you this at the beginning, and it is sort of—the PBMs are at the middle of the world here, if you will.

So let's just talk about this. Let's just start off with where it should start, and that is with the patient. The patient makes medication decisions, or he gets it from the doctor. And they are typically okay if you go this way, their employer. A lot of times the employee, their health benefit plan, that is where they get that.

So as we start here with the employers, the employers turn to PBMs or the insurance companies for plan decisions. So they turn to them and say here is how the plan is going to work. Here is how the plan operates. They expect the PBM to look after their best interest and to help save them money. That was the whole setup in the beginning, until they began to vertically integrate, to take on and become the main player in the market.

So what happens here is they make a plan decision to entrust the PBM to do that, and the PBMs, in turn, are supposed to give back the savings in this. We have already seen tonight how TRICARE has already saved $1.3 billion. This was their own internal study. We have also seen others where the fraud and abuse are not finding these savings.

So again, let's just continue on.

Pharmaceutical companies have an interesting relationship as well because, through rebates that they give to the PBMs or to incentivize, if you will, the use of drugs, their brand names, their ones under patent—which is very valuable. You are not going to find a stronger proponent of patent and copyright content in this Congress than me. What they are doing here is they are saying, okay, we are going to

give rebates back so you can purchase, and we are going to have brand preference so that you will encourage this brand over this generic or, frankly, this generic over this brand. And that is okay. We understand that.

This rebate is supposed to actually go into the savings part, but there is no transparency here. We don't know where it is going. And you are not getting the savings back over here where the rebates could.

And then we get to, really, the one that is interesting, and the pharmaceutical companies, through the pharmacy, and then back to patient care. This is where it gets interesting with the PBMs and their interesting relationships with the independent community pharmacies.

Predatory pricing, such as we are addressing in the MAC transparency list, where the numbers change, they are not sure. We get into the DIR fees. We get into all this stuff that has now become, instead of, for the PBM, the P in patient, the P actually should be—and I am not going to write on this beautiful chart, but I might as well just put ''profit'' because, as I have already discussed earlier tonight, the audits aren't about patient safety.

As Representative CARTER said, this is not about giving independent pharmacies or community pharmacies a leg up.

□ 2115

They don't want to be guaranteed a profit. They just want to be guaranteed to be able to open their doors and not be intimidated, coerced, or backed down by threats from PBMs that are much larger than them that basically say: we will put you out of business.

Madam Speaker, that is what they do.

They are supposed to have random audits. One of my pharmacists started laughing when we talked about random audits. They had the same audit about a year earlier. In other words, they are on a cycle. They just come back around the same time. These aren't random. They are not there for safety. They are there for profit.

It is frustrating. I have never seen anything else like this. It is the most amazing thing I have ever seen in which a business model that we have actually condoned—especially with the taxpayer money side—says that you can extort from pharmacies whatever you want. We will take back fees. We will put you on a metrics like Humana did. We will put you on a metrics that will give you the possibility of making more, but then inherently rig it against the small pharmacies. That is a problem.

They can't answer the question. If they had, they would have said it a long time ago. They just hope I go away and quit talking about this. But there are Members every time we talk, some couldn't come tonight, and every time we come down here and we shine light on this very dark subject, more Members come along and say: that doesn't sound right.

I know you have had those conversations, Representative CARTER. I have had those conversations. There are Members all over this Chamber that have experienced this in their own lives.

So I come to you tonight just saying, look, we put this here, and we look at the interaction. I am going to say, this is the most important part right here. It is about the patient. It is about the patient. We want to fix this. Let's look at how our money is spent. We want to fix this. Let's look at being able to come back weeks, months later. Let's talk about what the problems are here, but never forget the patient. It shouldn't be hard for them. Pharmacy benefit manager, the first letter is P. Let's just change it from profit to patient. Let's change it from being a facilitator to help pharmacies and help employers to market drugs to help the patient. Studies after studies show that it doesn't work.

Madam Speaker, we could talk for hours, but this is something we are going to continue to fight on. I appreciate the time we have had tonight, and this is not the end of this fight.

Madam Speaker, I yield back the balance of my time.

ZIKA FUNDING

The SPEAKER pro tempore (Mrs. MIMI WALTERS of California). Under the Speaker's announced policy of January 6, 2015, the Chair recognizes the gentleman from California (Mr. GARAMENDI) for 30 minutes.

Mr. GARAMENDI. Madam Speaker, I thank the gentlewoman from California for the opportunity to speak this evening. We have just been listening to a very lengthy discussion on the part of the healthcare issues in the United States, and, undoubtedly, the family or the small community pharmacist is a piece of the solution to the problems. But I want to spend the next 10 minutes or so, maybe a little longer, talking about a problem that currently affects some 19,000 Americans and a problem that is growing every day.

This is the new four-letter word that we fear. We are accustomed to a lot of four-letter words, but this one begins with a Z. This is the Zika crisis. This is a very, very real problem for some 1,600 pregnant women in the United States. This is a problem that men and women that intend to have a family, women that intend to bear children, get pregnant in the days and months ahead have a gut feeling of fear—a deep, deep fear—and husbands, spouses, and lovers similarly.

This is the Zika crisis. We have heard a lot about it during the Olympics. It hasn't passed off the radar screen except here in Congress. I know it is on the minds of Californians, over 500 in California, and nearly 15,500 Americans in Puerto Rico. They have that fear. They have Zika.

So all across this Nation, this new four-letter word is not used as a cuss word. It is a word of fear, and it is a word of trouble. Apparently, in the Halls of your Capitol, in the Halls of the United States Congress, it is ignored. Several months ago, we did pass a piece of legislation that was supposed to deal with this. But understand this: The Centers for Disease Control is about to run out of money at the end of this month and will have to stop research on Zika, on the virus, on vaccines, and on how it is spread.

We know that the mosquito is a piece of this, and we know it is prime mosquito time across much of the United States. Let me show you a map—a lot of blue on that map. That doesn't mean Democrat. That means Zika. Where you see the bright blue, that is where the Zika mosquito—the aedes—is found, and this is where we presently have cases.

South Florida, the only time in American history that there has been a travel alert for health reasons within the Continental United States is now found in south Florida. Why? Because now we have mosquitos that are spreading the virus.

In other parts of the Nation, we know that this mosquito is present, and we know it is going to happen, if not this year then next year. This is not something that is going to go away in the next few months as winter approaches. It will come back next year, and it will come back with a greater vengeance, just as the West Nile virus that spread across the United States is now found in most every State. But that is not an illness that leads to the tragedy of children being born with severe injuries that will affect them the rest of their lives, which may be a very short life.

This is a problem. This is a problem that your United States Congress is ignoring. There is a bill bouncing around, and it is loaded with a bunch of riders that are: What are you talking about? Riders that prevent women's health clinics from providing assistance to women. It is the women, after all, that bear the great burden of this. They are the ones that are going to be pregnant. They are the ones that will be carrying the children. But those women's health clinics cannot allow access to the money. What in the world is that all about? What foolishness. What meanness.

By the way, none of the money can be used for contraception. Give me a break. What do you mean? That is the legislation that is being proposed here in the United States Congress. Even the Pope has suggested that because of this crisis in Brazil that the steadfast opposition of the Vatican to contraception may need to be pushed aside. But not here in the House of Representatives. Come on. Let's get real. Let's understand the nature of this crisis.

The Zika virus is not transmitted only by mosquitos. We are discovering that the transmission can come in

many, many different ways—many different ways. So what are we doing about it? Nothing. We are spending time talking about impeaching the IRS Commissioner. Come on. In the history of this Nation, only one person other than a President has been impeached, and that was back in the 1870s, a Secretary of War. An IRS Commissioner is not even a Cabinet member. We are spending our time on that.

We are where, 20 days, a little less, from the end of the fiscal year when we have to fund government? We are less than what, 17 days away from the ability of the Centers for Disease Control to continue to research and to address this issue? Look at the map, Americans. Every State. And Puerto Rico is not on this map, and they are Americans. There are over 15,000 cases there and more than 1,000 women who are pregnant and many, many more who will become pregnant. So what is your United States Congress doing? Dithering would be an insufficient word to address this crisis.

This is a public health crisis. This is a crisis that the solution presented to us a few months ago was to take money out of the Ebola program. Did we forget about Ebola? Did it go away? No, it did not. That money was being spent on monitoring the travelers from those areas of Africa where Ebola still exists. So that money is gone. So I suppose, in the next months or year ahead, we will go back into the Ebola problem once again.

Money was taken from the public health programs in counties throughout the United States. The proposal that moved out of this House of Representatives swept from the counties and the States money that the public health departments in those areas needed to deal with public health emergencies, one of which was Zika. And there are other public health emergencies that are always before us. I mentioned the West Nile virus. California has a whooping cough problem that is ongoing, and that is a public health crisis. Children die of that.

So what is the solution? Not what we normally do when we have a crisis, which is to go to the Federal Treasury and say: America has a problem. Americans will solve that problem or address that problem and try to deal with the effect of it by appropriating money so that we can address it.

When the terrible floods occurred recently in Louisiana, did we raid other agencies to deal with it? No. We go to FEMA, and we go to the emergency funding, as we did with Katrina, as we did with Sandy, and as we do with the fires, hurricanes, and tornadoes. But not with Zika. Somehow Zika is different.

If you are a grandmother or a grandfather and your granddaughter is about to get married, what is on your mind? The wedding to be sure. But you are also thinking about that pregnancy that might be following, and you are thinking: will my daughter or my granddaughter acquire the Zika virus? What will it mean?

Apparently, that thought is not found in my fellow colleagues here on the floor of the House of Representatives, even though they have children, even though they have daughters and granddaughters, even though within their families there will be pregnancies. We have got to think about this. Maybe there are 16,000 affected in the United States today. But this virus is not going away. This virus is going to be with us years ahead, and the effects of it are going to be felt in the next generations. It is already here in the United States.

□ 2130

We have had babies born with serious defects as a result of Zika. It is already with us. And there will be more. There will be many, many more.

This public health crisis must be met by the full power of the Federal Government, just as we meet other crises. It is our responsibility. 535 of us and the President.

The President has asked for $1.9 billion to deal with this health crisis. The response by my colleagues on the Republican side of the House of Representatives, a little over $6 million, most of which is stolen from other public health programs. Disgraceful. Dereliction of responsibility.

The Senate is talking about a $1.1 billion program. Good. Without riders, without the kind of foolish riders that are being presented here. Good. Let's get on with it. We will take the Senate bill. Give us a clean Senate bill so that there is money available for the Centers for Disease Control to continue its research, so that there is money available for the public health programs in south Florida, in Texas, in Puerto Rico, California, and in other States to carry on the fight against the mosquitoes and to deal with the other methods of transmission, to warn the public, to prepare the public. We can do it.

Anybody that knows how much money the Federal Government spends every year knows that $1 billion to address a fundamental public health crisis is available. It is readily available. We ought to get on with it. And shame on us if we don't.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DESJARLAIS (at the request of Mr. MCCARTHY) for September 12 and today on account of doctor ordered travel limitations for arthroscopic surgery.

Mr. PAYNE (at the request of Ms. PELOSI) for today on account of medical appointment.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3969. An act to designate the Department of Veterans Affairs community-based outpatient clinic in Laughlin, Nevada, as the ''Master Chief Petty Officer Jesse Dean VA Clinic''.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1579. An act to enhance and integrate Native American tourism, empower Native American communities, increase coordination and collaboration between Federal tourism assets, and expand heritage and cultural tourism opportunities in the United States.

ADJOURNMENT

Mr. GARAMENDI. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, September 14, 2016, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6796. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting a report on the Developmental Disabilities Programs for Fiscal Years 2011-2012, pursuant to 42 U.S.C. 15005; Public Law 106-402, Sec. 105; (114 Stat. 1690); to the Committee on Energy and Commerce.

6797. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting a report entitled ''National Plan to Address Alzheimer's Disease: 2016 Update'', pursuant to 42 U.S.C. 11225(g); Public Law 111-375, Sec. 2(g); (124 Stat. 4102); to the Committee on Energy and Commerce.

6798. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to the General Definitions for Texas New Source Review and the Minor NSR Qualified Facilities Program [EPA-R06-OAR-2010-0861; FRL-9950-32-Region 6] received September 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6799. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval and Disapproval; North Carolina: New Source Review for Fine Particulate Matter (PM2.5) [EPA-R04-OAR-2015-0501; FRL-9952-31-Region 4] received September 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6800. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; GA Infrastructure Requirements for the 2010 1-hour NO2 NAAQS [EPA-R04-OAR-2015-0250;

FRL-9952-32-Region 4] received September 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6801. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Air Plan Approval; VT; Prevention of Significant Deterioration, PM2.5 [EPA-R01-OAR-2016-0441; A-1-FRL-9952-11-Region 1] received September 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6802. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Second Ten-Year PM10 Maintenance Plan for Lamar [EPA-R08-OAR-2015-0042; FRL-9952-09-Region 8] received September 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6803. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Infrastructure or Requirements for the 2008 Ozone and 2010 Nitrogen Dioxide National Ambient Air Quality Standards [EPA-R06-OAR-2012-0953; FRL-9950-77-Region 6] received September 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6804. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thiabendazole; Pesticide Tolerances [EPA-HQ-OPP-2015-0554; FRL-9950-05] received September 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6805. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Energy Labeling Rule (RIN: 3084-AB15) received September 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6806. A letter from the Director, Defense Security Cooperation Agency, transmitting Reports for the third quarter of FY 2016, April 1, 2016 — June 30, 2016, developed in accordance with Secs. 36(a) and 26(b) of the Arms Export Control Act; the March 24, 1979, Report by the Committee on Foreign Affairs (H. Rept. 96-70), and the July 31, 1981, Seventh Report by the Committee on Government Operations (H. Rept. 97-214); to the Committee on Foreign Affairs.

6807. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule — Russian Sanctions: Addition of Certain Entities to the Entity List [Docket No.: 160617543-6543-01] (RIN: 0694-AH02) received September 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

6808. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to Sec. 804 of the Palestinian Liberation Organization Commitments Compliance Act of 1989 (''PLOCCA'') (Title VIII, Pub.L. 101-246) and Secs. 603-604 and 699 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Pub.L. 107-228); to the Committee on Foreign Affairs.

6809. A letter from the Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting a report concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(d)(1); Public Law 92-403, Sec. 1; (86 Stat. 619); to the Committee on Foreign Affairs.

6810. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2016 Winter II Quota [Docket No.: 150903814-5999-02] (RIN: 0648-XE755) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

6811. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No.: 151130999-6225-01] (RIN: 0648-XE802) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

6812. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands [Docket No.: 150916863-6211-02] (RIN: 0648-XE789) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

6813. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the Commonwealth of Massachusetts [Docket No.: 150903814-5999-02] (RIN: 0648-XE810) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

6814. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Exclusive Economic Zone Off Alaska; Dusky Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 150818742-6210-02] (RIN: 0648-XE708) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

6815. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 2015 annual report to Congress describing the activities and operations of the Public Integrity Section, Criminal Division, and the report on the nationwide federal law enforcement effort against public corruption, pursuant to 28 U.S.C. 529(a); Public Law 95-521, Sec.603(a); (92 Stat. 187); to the Committee on the Judiciary.

6816. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2016-8841; Directorate Identifier 2016-NM-115-AD; Amendment 39-18611; AD 2016-16-13] (RIN: 2120-AA64) received September 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6817. A letter from the Office Program Manager, Office of the Secretary (00REG), Office of Regulation Policy and Management, Veterans Affairs, transmitting the Department's final rule — Telephone Enrollment in the VA Healthcare System (RIN: 2900-AP68) received September 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Veterans' Affairs.

6818. A letter from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Reclassification of Specially Denatured Spirits and Completely Denatured Alcohol Formulas and Related Amendments [Docket No.: TTB-2013-0005; T.D. TTB-140; Re: Notice No.: 136] (RIN: 1513-AB59) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

6819. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final regulations — Definition of Terms Relating to Marital Status [TD 9785] (RIN: 1545-BM10) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

6820. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Revenue Procedure: Management Contracts Safe Harbors (Rev. Proc. 2016-44) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

6821. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final regulations — Definition of Real Estate Investment Trust Real Property [TD 9784] (RIN: 1545-BM05) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

6822. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Revenue Procedure: Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2016-46) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

6823. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Waiver of 60-Day Rollover Requirement (Rev. Proc. 2016-47) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

6824. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Relief for Victims of Louisiana Storms (Announcement 2016-30) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLATTE: Committee on the Judiciary. H.R. 3438. A bill to amend title 5, United States Code, to postpone the effective date of high-impact rules pending judicial review; with an amendment (Rept. 114–743). Referred to the Committee of the Whole House on the state of the Union.

Mr. BYRNE: Committee on Rules. House Resolution 863. Resolution providing for consideration of the bill (H.R. 5351) to prohibit the transfer of any individual detained at United States Naval Station, Guantanamo Bay, Cuba, and providing for consideration of the bill (H.R. 5226) to amend chapter 3 of title 5, United States Code, to require the publication of information relating to pending agency regulatory actions, and for other purposes (Rept. 114–744). Referred to the House Calendar.

Mr. CHAFFETZ: Committee on Oversight and Government Reform. H.R. 4419. A bill to update the financial disclosure requirements for judges of the District of Columbia courts; with amendments (Rept. 114–745). Referred to the Committee of the Whole House on the state of the Union.

Mr. HENSARLING: Committee on Financial Services. H.R. 5461. A bill to require the Secretary of the Treasury to submit a report to the appropriate congressional committees on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes (Rept. 114–746, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Foreign Affairs discharged from further consideration. H.R. 5461 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SANFORD:

H.R. 6000. A bill to amend the Internal Revenue Code of 1986 to modify rules relating to the taxation of mead and other agricultural wine, and for other purposes; to the Committee on Ways and Means.

By Mr. BECERRA (for himself and Ms. ROS-LEHTINEN):

H.R. 6001. A bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARK of Massachusetts:

H.R. 6002. A bill to provide for the acquisition and publication of data relating to cybercrimes against individuals, and for other purposes; to the Committee on the Judiciary.

By Mr. MESSER (for himself, Mrs. BROOKS of Indiana, Mr. YOUNG of Indiana, Mr. BUCSHON, Mrs. WALORSKI, and Mr. ROKITA):

H.R. 6003. A bill to amend title 38, United States Code, to provide veterans affected by school closures certain relief and restoration of educational benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HURD of Texas (for himself, Mr. CONNOLLY, Mr. CHAFFETZ, Mr. CUMMINGS, Ms. KELLY of Illinois, and Mr. TED LIEU of California):

H.R. 6004. A bill to modernize Government information technology, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIDSON:

H.R. 6005. A bill to ensure that Members of Congress and Congressional staff receive health care from the Department of Veterans Affairs instead of under the Federal Health Benefits Program or health care exchanges; to the Committee on House Administration, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BASS (for herself, Mr. CAPUANO, Ms. LEE, Mr. CICILLINE, Ms. KELLY of Illinois, Mr. CONYERS, Ms. MOORE, Ms. PLASKETT, Mr. ELLISON, Mrs. WATSON COLEMAN, and Ms. CLARKE of New York):

H.R. 6006. A bill to establish a pilot program to provide fellowships to certain former Sudanese refugees, known as the ''Lost Boys and Lost Girls of Sudan'', to assist in reconstruction efforts in South Sudan; to the Committee on Foreign Affairs.

By Mr. MCCARTHY:

H.R. 6007. A bill to amend title 49, United States Code, to include consideration of certain impacts on commercial space launch and reentry activities in a navigable airspace analysis, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MEADOWS (for himself, Mr. CONNOLLY, Mrs. COMSTOCK, and Mr. BEYER):

H.R. 6008. A bill to provide transit benefits to Federal employees who use the services of transportation network companies within the national capital region, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSSELL (for himself and Mr. CONNOLLY):

H.R. 6009. A bill to ensure the effective processing of mail by Federal agencies, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. BILIRAKIS (for himself, Mr. PIERLUISI, Mr. POSEY, Mr. SIRES, Mr. CURBELO of Florida, and Mr. DIAZ-BALART):

H.R. 6010. A bill to amend the Public Health Service Act to require the Director of the Centers for Disease Control and Prevention to establish a registry of women who are diagnosed during pregnancy as having been infected with Zika virus and the children of such women, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS:

H.R. 6011. A bill to require that the Centers for Medicare & Medicaid Services has in place adequate verification procedures to ensure that advance payments under the Patient Protection and Affordable Care Act are made for only enrollees under qualified health plans who have paid their premiums; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUCSHON:

H.R. 6012. A bill to amend title XVIII of the Social Security Act to preserve Medicare beneficiary access to ventilators, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO:

H.R. 6013. A bill to amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services; to the Committee on Energy and Commerce.

By Mr. NOLAN:

H.R. 6014. A bill to direct the Federal Aviation Administration to allow certain construction or alteration of structures by State departments of transportation without requiring an aeronautical study, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PAULSEN (for himself and Mr. BLUMENAUER):

H.R. 6015. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain direct primary care service arrangements and periodic provider fees; to the Committee on Ways and Means.

By Mr. POE of Texas:

H.R. 6016. A bill to require States and units of local government receiving funds under grant programs operated by the Department of Justice, which use such funds for pretrial services programs, to submit to the Attorney General a report relating to such program, and for other purposes; to the Committee on the Judiciary.

By Mr. RICHMOND (for himself, Mr. MEEKS, Mr. LARSEN of Washington, Mr. PERLMUTTER, Mr. KIND, Mr. HIMES, Ms. SEWELL of Alabama, Miss RICE of New York, and Mr. CARNEY):

H.R. 6017. A bill to establish a grant program to provide grants to eligible low-income communities for community development, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 6018. A bill to waive the essential health benefits requirements for certain States; to the Committee on Energy and Commerce.

By Mr. YOUNG of Indiana:

H.R. 6019. A bill to amend the Internal Revenue Code of 1986 to provide an exemption to the individual mandate to maintain health coverage for certain individuals whose premium has increased by more than 10 percent, and for other purposes; to the Committee on Ways and Means.

By Mr. BECERRA:

H. Res. 862. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. NORTON:

H. Res. 864. A resolution expressing support for the designation of September 2016 as ''National Campus Sexual Assault Awareness Month''; to the Committee on Oversight and Government Reform.

By Mr. ROSS (for himself, Mr. HARRIS, Ms. KAPTUR, and Mr. RUSSELL):

H. Res. 865. A resolution commemorating the 60th anniversary of the Hungarian Revolution and Freedom Fight of 1956 and celebrating the deep friendship between Hungary and the United States; to the Committee on Foreign Affairs.

By Mr. VEASEY:

H. Res. 866. A resolution expressing support for designation of the month of September as ''National Voting Rights Month''; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SANFORD:

H.R. 6000.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution asserts that the Congress shall have power to lay and collect taxes. This bill modifies the Internal Revenue Code of 1986 to modify the rules relating to the taxation of mead and other agricultural wine.

By Mr. BECERRA:

H.R. 6001.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18—The Congress shall have Power * * * To make all Laws which shall be necessary and propoer for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United State, or in any Department or Officer thereof.

By Ms. CLARK of Massachusetts:

H.R. 6002.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. MESSER:

H.R. 6003.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States.

By Mr. HURD of Texas:

H.R. 6004.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section IX, clause VII, of the United States Constitution.

By Mr. DAVIDSON:

H.R. 6005.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: Since Members of Congress and other federal employees are ''necessary'' to fulfill the constitutional functions of government, laws determining the compensation of Members of Congress and federal employees are constitutional under the necessary and proper clause.

By Ms. BASS:

H.R. 6006.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 1.

Article I.

Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. McCARTHY:

H.R. 6007.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3:

The Congress Shall have power to regulate commerce with foreign nations, and among the several states, and with indian tribes.

and

Article I, Section 8, Clause 18:

The Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof.

By Mr. MEADOWS:

H.R. 6008.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. RUSSELL:

H.R. 6009.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. BILIRAKIS:

H.R. 6010.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. BILIRAKIS:

H.R. 6011.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. BUCSHON:

H.R. 6012.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the United States Constitution

By Ms. ESHOO:

H.R. 6013.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 3 of the U.S. Constitution. That provision gives Congress the power ''to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.''

By Mr. NOLAN:

H.R. 6014.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution, specifically Clause 1, Clause 3, and Clause 18.

By Mr. PAULSEN:

H.R. 6015.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1—''lay and collect taxes''

Article 1, Section 8, Clause 18—''necessary and proper''

By Mr. POE of Texas:

H.R. 6016.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Mr. RICHMOND:

H.R. 6017.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the powers granted to Congress under the General Welfare Clause (Art. 1 Sec. 8 Cl. 1), the Commerce Clause (Art. 1 Sec. 8 Cl. 3), and the Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18).

Further, this statement of constitutional authority is made for the sole purpose of compliance with clause 7 of Rule XII of the Rules of the House of Representatives and shall have no bearing on judicial review of the accompanying bill.

By Mr. YOUNG of Alaska:

H.R. 6018.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. YOUNG of Indiana:

H.R. 6019.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to ''provide for the common Defence and general Welfare of the United States.''

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 167: Mr. SENSENBRENNER.

H.R. 213: Mr. AUSTIN SCOTT of Georgia, Mrs. NAPOLITANO, Mr. YARMUTH, Mr. JOHNSON of Georgia, and Mr. CULBERSON.

H.R. 346: Mr. DAVID SCOTT of Georgia.

H.R. 465: Mr. BARR.

H.R. 470: Mr. DAVID SCOTT of Georgia.

H.R. 605: Mr. SCHIFF.

H.R. 667: Mr. GRIJALVA.

H.R. 775: Mr. TED LIEU of California, Ms. CLARKE of New York, Mr. VELA, and Mrs. BUSTOS.

H.R. 822: Mr. COLLINS of New York.

H.R. 846: Mr. HIMES.

H.R. 885: Mr. COFFMAN and Mr. JOLLY.

H.R. 1218: Mrs. ELLMERS of North Carolina.

H.R. 1220: Mr. POLIS, Mr. FRANKS of Arizona, Mr. DENHAM, Mr. VALADAO, Mr. KING of Iowa, Mrs. LUMMIS, Ms. CASTOR of Florida, Mr. WILLIAMS, and Mr. PIERLUISI.

H.R. 1453: Mr. REICHERT, Mr. HENSARLING, and Mr. WILLIAMS.

H.R. 1669: Mr. CULBERSON and Mr. BYRNE.

H.R. 1705: Mr. YODER.

H.R. 1854: Mr. MURPHY of Pennsylvania.

H.R. 1904: Mr. JOLLY.

H.R. 1940: Mr. O'ROURKE.

H.R. 2313: Mr. KATKO.

H.R. 2315: Mr. JENKINS of West Virginia.

H.R. 2368: Mr. BERA, Mr. CARNEY, Ms. DEGETTE, and Mrs. LOWEY.

H.R. 2747: Mr. RUSSELL.

H.R. 2799: Mr. TED LIEU of California.

H.R. 3099: Mr. RICHMOND, Mr. RIBBLE, Mr. YODER, Mr. SCHIFF, and Mr. POLIS.

H.R. 3119: Mr. VALADAO.

H.R. 3175: Mr. BLUMENAUER.

H.R. 3222: Mr. GRAVES of Missouri and Mr. ROE of Tennessee.

H.R. 3337: Mr. FOSTER.

H.R. 3355: Mr. CONYERS, Mr. JOYCE, and Mr. GROTHMAN.

H.R. 3381: Mr. WALDEN and Mr. DEFAZIO.

H.R. 3410: Mr. POLIS.

H.R. 3438: Mr. JENKINS of West Virginia, Mr. GRIFFITH, Mr. GRAVES of Missouri, Mr. ROKITA, Mr. GROTHMAN, Mr. EMMER of Minnesota, Mrs. WAGNER, Mr. NEWHOUSE, Mr. MCCLINTOCK, and Mrs. BLACK.

H.R. 3514: Ms. MATSUI.

H.R. 3522: Ms. LEE, Ms. CLARKE of New York, and Mr. PERLMUTTER.

H.R. 3535: Ms. SCHAKOWSKY.

H.R. 3706: Mr. YODER, Mr. LYNCH, Mr. KENNEDY, Mr. POLIQUIN, Mr. PEARCE, and Mr. DESAULNIER.

H.R. 3720: Mr. POLIS.

H.R. 3779: Mr. RENACCI, Mr. NUNES, Mr. FARR, Mr. BARR, Miss RICE of New York, Mr. KILMER, Mrs. ROBY, and Mr. POCAN.

H.R. 3846: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. STIVERS.

H.R. 3886: Ms. TSONGAS.

H.R. 3991: Ms. JUDY CHU of California, Mr. LOWENTHAL, Mr. RYAN of Ohio, and Mr. GALLEGO.
H.R. 4043: Mr. YOUNG of Alaska.
H.R. 4179: Mr. RUIZ.
H.R. 4272: Mrs. ROBY.
H.R. 4352: Mr. YODER.
H.R. 4365: Mrs. BUSTOS.
H.R. 4514: Mr. FLORES, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. SCALISE, Mr. NUGENT, Mr. SMITH of New Jersey, Ms. FOXX, and Ms. DELAURO.
H.R. 4567: Mr. LOWENTHAL and Mr. PETERSON.
H.R. 4592: Mr. AMODEI and Mrs. ELLMERS of North Carolina.
H.R. 4615: Ms. MCSALLY.
H.R. 4662: Mr. WALBERG.
H.R. 4695: Mr. YOUNG of Iowa.
H.R. 4764: Mr. ROUZER, Mr. CARTER of Texas, and Mrs. WAGNER.
H.R. 4784: Ms. SINEMA and Mr. ASHFORD.
H.R. 4818: Mr. LUCAS, Mr. EMMER of Minnesota, and Mr. COLE.
H.R. 4832: Mr. PETERS.
H.R. 4919: Mr. CRENSHAW, Mr. SESSIONS, Ms. MATSUI, Mr. ISRAEL, Mr. YODER, Mr. GUTIÉRREZ, Mr. GRIJALVA, and Mrs. WATSON COLEMAN.
H.R. 4959: Mr. GUTHRIE.
H.R. 5007: Mr. RICE of South Carolina.
H.R. 5009: Ms. ESHOO and Mr. LANCE.
H.R. 5122: Mr. NUNES.
H.R. 5143: Mr. MACARTHUR.
H.R. 5167: Mrs. LOVE, Mr. WALZ, and Mr. SMITH of Texas.
H.R. 5183: Mr. MACARTHUR, Mr. YARMUTH, and Ms. ROS-LEHTINEN.
H.R. 5204: Mr. MCNERNEY.
H.R. 5209: Mr. POLIQUIN.
H.R. 5221: Mr. MCNERNEY.
H.R. 5254: Mr. DONOVAN.
H.R. 5272: Ms. LOFGREN.
H.R. 5351: Mr. NUNES, Mr. BURGESS, Mr. NUGENT, Mr. MURPHY of Pennsylvania, Mr. SCALISE, Mr. ROUZER, Mr. MOOLENAAR, Mr. OLSON, Mr. BABIN, and Mr. ROSS.
H.R. 5398: Mr. DESJARLAIS.
H.R. 5418: Mr. RATCLIFFE, Mr. HUELSKAMP, Mr. WILLIAMS, Mr. SANFORD, and Mr. WEBER of Texas.
H.R. 5465: Mr. LABRADOR.
H.R. 5499: Mr. WALBERG, Mr. CARTER of Georgia, Mr. GRAVES of Georgia, Mr. BRAT, and Mr. ROSS.
H.R. 5531: Mr. ZELDIN.
H.R. 5598: Mr. COURTNEY.
H.R. 5599: Mr. COURTNEY.
H.R. 5620: Mr. BUCHANAN.
H.R. 5625: Ms. MICHELLE LUJAN GRISHAM of New Mexico and Mr. CLAY.
H.R. 5668: Mr. CARTER of Georgia.
H.R. 5689: Mr. NEAL.
H.R. 5719: Mr. HULTGREN.
H.R. 5732: Mr. FLORES, Mrs. LOWEY, and Ms. SCHAKOWSKY.
H.R. 5746: Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. FUDGE, and Ms. LOFGREN.
H.R. 5754: Mr. RENACCI and Mr. PAULSEN.
H.R. 5759: Mr. MULVANEY.
H.R. 5760: Mr. MULVANEY.
H.R. 5801: Mr. LABRADOR.
H.R. 5853: Mr. HARPER, Mr. GRAVES of Missouri, and Mrs. HARTZLER.
H.R. 5855: Mr. SCHIFF.
H.R. 5879: Mr. TOM PRICE of Georgia and Mr. MARCHANT.
H.R. 5902: Mr. FITZPATRICK.
H.R. 5904: Mr. LOUDERMILK and Mr. HENSARLING.
H.R. 5910: Mr. BUCSHON.
H.R. 5931: Mr. ALLEN, Mr. MULVANEY, Mr. ROKITA, Mr. BOST, Mr. HARPER, Mr. BUCSHON, Mr. VALADAO, and Mr. BISHOP of Michigan.
H.R. 5932: Mrs. DAVIS of California, Mr. LOWENTHAL, Mr. JONES, and Mr. HIGGINS.
H.R. 5942: Mr. BYRNE, Mr. FARENTHOLD, and Mr. BEN RAY LUJÁN of New Mexico.
H.R. 5948: Mr. SWALWELL of California, Ms. JUDY CHU of California, Mr. LAMALFA, Mr. CÁRDENAS, Mr. DESAULNIER, and Mr. TED LIEU of California.
H.R. 5951: Mr. WILLIAMS and Mr. VELA.
H.R. 5957: Mr. CARSON of Indiana, Ms. TITUS, and Mrs. COMSTOCK.
H.R. 5970: Mr. WEBER of Texas.
H.R. 5978: Mr. ZELDIN.
H.R. 5980: Mr. GRIJALVA, Mrs. ROBY, Mr. MCGOVERN, and Mr. YARMUTH.
H.R. 5982: Mr. WALBERG and Mr. JORDAN.
H.R. 5999: Mr. THOMPSON of Pennsylvania, Mr. NEWHOUSE, and Mr. OLSON.
H. Con. Res. 26: Mr. WOODALL and Mr. JODY B. HICE of Georgia.
H. Con. Res. 140: Mr. HOLDING, Mr. BUCHANAN, Mr. TURNER, Mr. LATTA, Mr. AGUILAR, and Mr. ROKITA.
H. Con. Res. 141: Mr. LOWENTHAL, Ms. SLAUGHTER, and Mr. OLSON.
H. Res. 590: Mr. LUETKEMEYER and Mr. HINOJOSA.
H. Res. 752: Mrs. CAROLYN B. MALONEY of New York, Mr. VELA, Ms. TSONGAS, and Ms. MCSALLY.
H. Res. 776: Mr. COLLINS of New York, Mr. LUETKEMEYER, Mr. JOHNSON of Ohio, Mr. MACARTHUR, and Ms. PINGREE.
H. Res. 813: Mr. GENE GREEN of Texas.
H. Res. 817: Mr. COOK.
H. Res. 845: Mr. HUFFMAN, Ms. MATSUI, Mr. MOULTON, Ms. SPEIER, Mr. ZELDIN, Mr. MACARTHUR, Mr. MURPHY of Florida, Mrs. WATSON COLEMAN, Ms. ESHOO, Mr. SWALWELL of California, Mr. CARNEY, Mrs. CAPPS, and Mr. CAPUANO.
H. Res. 850: Mr. BUCHANAN, Mr. YARMUTH, and Mr. BYRNE.
H. Res. 853: Mr. SALMON, Mr. GOHMERT, Mr. DUNCAN of South Carolina, and Mr. GIBBS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. THORNBERRY

The provisions that warranted a referral to the Committee on Armed Services in H.R. 5351 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII,

86. The SPEAKER presented a petition of Bar Association of Puerto Rico Governing Board, relative to Resolution Number 26, to express the repudiation of the Governing Board of the Bar Association of Puerto Rico with regard to H.R. 4900, Oversight Board to assist the government of Puerto Rico, including instrumentalities, in managing its public finances, and for other purposes, also known as the Federal Fiscal Control Board for Puerto Rico; which was referred to the Committee on Natural Resources.