

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 840) TO AMEND TITLE 38, UNITED STATES CODE, TO DIRECT THE SECRETARY OF VETERANS AFFAIRS TO PROVIDE CHILD CARE ASSISTANCE TO VETERANS RECEIVING CERTAIN MEDICAL SERVICES PROVIDED BY THE DEPARTMENT OF VETERANS AFFAIRS; PROVIDING FOR THE ADOPTION OF THE RESOLUTION (H. RES. 86) PROVIDING AMOUNTS FOR THE EXPENSES OF THE SELECT COMMITTEE ON THE CLIMATE CRISIS AND THE SELECT COMMITTEE ON THE MODERNIZATION OF CONGRESS; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES.

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FEBRUARY 6, 2019.—Referred to the House Calendar and ordered to be printed.

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Mr. MORELLE, from the Committee on Rules,  
submitted the following

## R E P O R T

[To accompany H. Res. 105]

The Committee on Rules, having had under consideration House Resolution 105, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 840, the Veterans' Access to Child Care Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Veterans' Affairs. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment the amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-3 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this 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. The resolution waives all points of order against the amendments printed in this report. The resolution pro-

vides one motion to recommit with or without instructions. The resolution provides that House Resolution 86 is hereby adopted. The resolution provides that it shall be in order at any time through the legislative day of February 15, 2019, for the Speaker to entertain motions that the House suspend the rules and that the Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

#### EXPLANATION OF WAIVERS

The waivers of all points of order against consideration of the bill and against the amendment in the nature of a substitute made in order as original text include waivers of clause 12(a) of rule XXI, which prohibits consideration of a bill or amendment in the nature of a substitute unless there is a searchable electronic comparative print that shows how the bill or amendment proposes to change current law.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 12*

Motion by Mr. Cole to make in order and provide the necessary waivers for amendment #20 offered by Representative Bilirakis (FL), which would offset the bill by extending the current funding fee rates for the use of certain VA Home Loans through December 31, 2028. Defeated: 4–8

| Majority Members             | Vote  | Minority Members  | Vote |
|------------------------------|-------|-------------------|------|
| Mr. Hastings .....           | ..... | Mr. Cole .....    | Yea  |
| Mrs. Torres .....            | Nay   | Mr. Woodall ..... | Yea  |
| Ms. Matsui .....             | Nay   | Mr. Burgess ..... | Yea  |
| Mr. Perlmutter .....         | Nay   | Mrs. Lesko .....  | Yea  |
| Mr. Raskin .....             | Nay   |                   |      |
| Ms. Scanlon .....            | Nay   |                   |      |
| Mr. Morelle .....            | Nay   |                   |      |
| Ms. Shalala .....            | Nay   |                   |      |
| Mr. McGovern, Chairman ..... | Nay   |                   |      |

#### SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Brindisi (NY), Kuster (NH): Clarifies that veterans who receive covered health care services at VA community-based outpatient clinics are eligible for child care assistance. (10 minutes)

2. Radewagen (AS): Clarifies that the child care benefit be made available for veterans while they are traveling to or attending VA appointments and not at any other time. (10 minutes)

3. Rose, Max (NY): Include substance or drug abuse counseling in the definition of “covered health care services.” (10 minutes)

4. Bergman (MI): Prohibits VA from constructing new structures to be used as childcare centers. (10 minutes)

5. Lee, Susie (NV), Lesko (AZ): Specifies that all Vet Centers, not just Vet Centers located within a physical area in which VA has jurisdiction, would also be a place where veterans could be eligible for no-cost child care. (10 minutes)

6. Barr (KY): Require a study of the effects of child care assistance provided under section 2 of the underlying bill and on compliance with treatment protocols. (10 minutes)

7. Cisneros (CA), Welch (VT): Requires the Secretary of Veterans Affairs to conduct a feasibility study to determine how the Department of Veterans Affairs could provide child care assistance for veterans who receive covered health care services from non-Department facilities. (10 minutes)

8. Cisneros (CA): Include intensive health care services related to physical therapy for a service-connected disability in the definition of "covered health care services." (10 minutes)

9. Davis, Rodney (IL), Panetta (CA): Prevents interpretation by the VA that only one of the two parents could be considered the primary caretaker. (10 minutes)

10. Sablan (MP): Clarifies that veterans who receive telemental health services furnished by the Department as opposed to in-person mental health services would be eligible for child care assistance authorized under the bill. (10 minutes)

11. Cloud (TX): Directs the Department of Veterans Affairs (VA) to conduct an annual report to Congress on its processing system for child care payments to veterans and private care providers. Moreover, the VA must identify the number of unprocessed child care claims that have been left unresolved in its report. (10 minutes)

12. Allred (TX), Sherrill (NJ), Torres, Norma (CA): Require the Secretary to provide public notification on VA.gov to ensure veterans are aware of the expanded, cost-free child care services within this Act, and to perform outreach to inform eligible veterans. (10 minutes)

13. Moore (WI): Require annual reports on participation in this program and biannual reports on any other child care related barriers that remain for veterans seeking care at VA medical facilities. (10 minutes)

14. Kuster (NH): Require the Secretary to establish criteria for furnishing child care assistance to eligible veterans that accounts for unusual or excessive access burdens, such as excessive driving distance, geographic challenges, and other environmental factors. It would also correct a technical error to the Rules Committee print. (10 minutes)

15. Delgado (NY), Lawrence (MI): Adds extended day programs to the child care services that can receive stipends. Extended day programs are before and after school programs held at educational institutions for students whose parents have obligations prior to school hours and/or obligations that extend beyond school hours. (10 minutes)

16. Delgado (NY), Stefanik (NY), Harder (CA): Include under definitions in the Health Care Services, Emergency Mental Health Care Services, which provide immediate assistance to individuals experiencing a mental health crisis. The goals are to prevent the crisis from worsening, relieve immediate distress, and prevent individuals from harming themselves and/or others. (10 minutes)

17. Golden (ME), Kuster (NH): Expands the scope of services under which a veteran would qualify for free child care to include health care services provided as part of readjustment counseling. (10 minutes)

18. Golden (ME), Brindisi (NY): Directs the Secretary of Veterans Affairs to submit a report to Congress regarding the accessibility and effectiveness of the program for eligible individuals who reside in rural and highly rural areas. (10 minutes)

19. Sherrill (NJ): States that child care providers may not provide child care under the bill if they employ an individual who has been convicted of a sex crime, an offense involving a child victim, a violent crime, a drug felony, or other offense the Secretary deems appropriate. It also states that nothing in the amendment would lower more restrictive existing federal, state, or local standards of hiring and screening at child care centers within this Act. (10 minutes)

20. Sherrill (NJ), Kuster (NH), Moore (WI): Amends the bill to specifically include Military Sexual Trauma counseling and care services under section 1720D of title 38 in the definition of ‘covered health care services.’ (10 minutes)

21. Slotkin (MI): Provide authority for the Secretary of Veterans Affairs to consult with the Secretary of Defense in implementing the bill. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRINDISI OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, line 2, insert “, such as a community-based outpatient clinic” after “Department”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RADEWAGEN OF AMERICAN SAMOA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 4, strike “The Secretary” and insert “Subject to subsection (c), the Secretary”.

Page 3, after line 24, insert the following:

“(c) CONDITION ON RECEIPT OF ASSISTANCE.—(1) The Secretary may not provide any child care assistance under this section to an eligible veteran who is receiving covered health care services from the Department unless that eligible veteran actively participates in such services.

“(2) For purposes of this subsection, the term ‘actively participates’ means, with respect to covered health care services—

“(A) engaging in transit to and from appointments for such services;

“(B) attending appointments for such services; and

“(C) such other activities as the Secretary determines appropriate.”.

Page 3, line 25, strike “(c)” and insert “(d)”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROSE OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 16, strike “or”;

Page 3, after line 16, insert the following:

“(C) health care services related to substance or drug abuse counseling; or”.

Page 3, line 17, strike “(C)” and insert “(D)”.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BERGMAN OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end, add the following section:

**SEC. 3. PROHIBITION ON USE OF FUNDS FOR CHILD CARE ASSISTANCE TO CONSTRUCT NEW CHILD CARE FACILITIES.**

The Secretary of Veterans Affairs may not use funds made available for child care assistance provided under section 1730D of title 38, United States Code, as added by section 2, to construct any new child care facility.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEE OF NEVADA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, after line 21, insert the following:

“(3) The term ‘facility of the Department’ includes any Vet Center.

“(4) The term ‘Vet Center’ has the meaning given that term in section 1712A of this title.”.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BARR OF KENTUCKY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end, add the following:

**SEC. 3. STUDY ON EFFECTS OF CHILD CARE ASSISTANCE.**

(a) **STUDY REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall conduct a study of the effects of the child care assistance provided under section 2 on access to covered health care services, as that term is defined in that section, and on compliance with treatment protocols.

(b) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit a report to Congress regarding the study required under subsection (a).

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CISNEROS, JR. OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, insert the following:

(c) **FEASIBILITY STUDY ON CHILD CARE FOR VETERANS RECEIVING CARE IN NON-DEPARTMENT FACILITIES.**—

(1) **STUDY REQUIRED.**—The Secretary of Veterans Affairs shall conduct a feasibility study to determine how the Department of Veterans Affairs could provide child care assistance for

veterans who receive covered health care services (as such term is defined in section 1730D(c)(2) of title 38, United States Code, as added by subsection (a)) from the Department at non-Department facilities.

(2) SUBMISSION TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report containing the results of the study required to be conducted under paragraph (1).

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CISNEROS, JR. OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 16, strike “or”;

Page 3, after line 16, insert the following:

“(C) intensive health care services related to physical therapy for a service-connected disability; or”.

Page 3, line 17, strike “(C)” and insert “(D)”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 3, strike “the” and insert “a”.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SABLAN OF NORTHERN MARIANA ISLANDS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 14, insert “, including telemental health services furnished by the Department” after “services”.

Page 3, line 15, insert “, including telemental health services furnished by the Department” after “services”.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CLOUD OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, after line 24, insert the following:

“(c) ANNUAL REPORT.—

“(1) IN GENERAL.—The Secretary shall submit to Congress an annual report on the provision of child care assistance under this section. Each such report shall include, for the year covered by the report, each of the following for each of the categories of child care assistance specified in paragraph (2):

“(A) The average amount of time required by the Department to provide a payment for child care assistance.

“(B) The average cost of child care assistance.

“(C) The extent to which the Department has a backlog of unprocessed claims for child care assistance.

“(D) The number of Department employees who worked on the processing of claims for child care assistance.

“(E) The average amount of time required by such an employee to process such a claim.

“(F) The number of improper or duplicative payments of child care assistance made.

“(G) The recommendations of the Secretary for improving the processing of claims for child care assistance.  
 “(2) CATEGORIES OF CHILD CARE ASSISTANCE.—The categories of child care assistance specified in this paragraph are each of the following:

“(A) Direct stipends.

“(B) Payments made directly to a child care agencies.

“(C) Stipends provided through a voucher program.”.

Page 2, line 25, strike “(c)” and insert “(d)”.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ALLRED OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, after line 24, insert the following:

“(c) OUTREACH.—The Secretary shall perform outreach to inform eligible veterans of the child care assistance available under this section.”.

Page 2, line 25, strike “(c)” and insert “(d)”.

Add at the end the following:

(c) PUBLIC NOTICE.—After the enactment of this Act, the Secretary shall make publicly available on a Department website notice of the child care assistance benefit under section 1730D of title 38, United States Code, as added by subsection (a). Such notice shall be easily accessible and visible and shall include a description of the expanded and cost-free child care assistance for veterans, eligibility requirements, and any additional information the Secretary determines necessary.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end, add the following new section:

**SEC. 3. REPORT REQUIRED.**

(a) ANNUAL REPORT.—Beginning in the first fiscal year following the enactment of this Act, the Secretary of Veterans Affairs shall submit, as part of the annual budget request document for the Department of Veterans Affairs, a report regarding eligible veterans who received child care assistance under section 2 during the immediately preceding fiscal year. Each such report shall include the following:

(1) The number of such eligible veterans in each region of the Veterans Health Administration.

(2) If feasible, the number of such eligible veterans per facility of the Department.

(3) The amount of funding for such assistance made available by the Secretary—

(A) for each region of the Veterans Health Administration; and

(B) for each type of assistance specified in subsection (b) of such section.

(4) Findings regarding—

(A) challenges in providing such assistance;

(B) child care not covered by such assistance; and

(C) recommendations to improve such assistance.

(b) BIENNIAL SUPPLEMENT.—Not less than once every two years, the report under subsection (a) shall include a supplement regarding the following:

(1) Other challenges regarding child care services that prevent veterans from receiving covered health care services under section 2.

(2) Plans of the Secretary to address challenges identified under paragraph (1).

(3) An assessment of the extent to which lack of education by the Department or awareness by veterans of the assistance under section 2 contributes to a lack of use of such assistance.

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14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KUSTER OF NEW HAMPSHIRE OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, line 3, insert “to” after “required”.

Page 2, after line 24, insert the following:

“(3) The Secretary shall establish criteria for providing child care assistance under paragraph (1) designed to ensure reasonable access to such assistance for veterans who experience any unusual or excessive burden to accessing child care services, including excessive driving distances, geographic challenges, and other environmental factors that impede such access.”.

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15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELGADO OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, line 9, insert “or extended day program” after “child care center”.

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16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELGADO OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 16, strike “or”;

Page 3, after line 16, insert the following:

“(C) emergency mental health care services; or”.

Page 3, line 17, strike “(C)” and insert “(D)”.

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17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOLDEN OF MAINE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 14, after “services” insert “, including health care services provided as part of readjustment counseling”.

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18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOLDEN OF MAINE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, insert the following:

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the effectiveness and accessibility of the child care assistance provided under section 1710D of



title 38, United States Code, as added by this section, for eligible individuals who reside in rural and highly rural areas.

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19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHERRILL OF NEW JERSEY OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, line 5, strike “Child care” and insert “Subject to subsection (c), child care”.

Page 2, after line 24, insert the following:

“(c) REQUIREMENTS; RULE OF CONSTRUCTION.—(1) In accordance with paragraph (2), a child care center, child care agency, or any other child care provider described in subsection (b) may not provide child care under this section if the center, agency, or provider employs an individual who has been convicted of a sex crime, an offense involving a child victim, a violent crime, a drug felony, or other offense the Secretary determines appropriate.

“(2) Nothing in paragraph (1) shall supersede, nullify, or diminish any Federal or State law (including any local law or ordinance), contract, agreement, policy, plan, practice, or other matter that establishes standards and requirements for employees of child care centers, child care agencies, or other child care providers described in subsection (b) that are more restrictive than the requirements specified in paragraph (1).”

Page 2, line 25, strike “(c)” and insert “(d)”.

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20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHERRILL OF NEW JERSEY OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 15, insert “, including counseling and care and services under section 1720D of this title” before the semicolon.

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21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SLOTKIN OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 2, add the following new subsection:

(c) AUTHORITY TO CONSULT WITH SECRETARY OF DEFENSE.—In implementing section 1730D of title 38, United States Code, as added by subsection (a), the Secretary of Veterans Affairs may consult with the Secretary of Defense.