

languish in the Democrat-controlled Senate. Why? Because there are some, even in his own party, who know that more government spending and job-killing tax hikes are not going to get our economy moving again.

But the Senate majority leader has come to the rescue with another new class warfare proposal. That's right; he wants a permanent tax increase on small businesses and job creators to pay for a temporary stimulus program. Oh, goody. Long-term, job-destroying tax increases to finance another short-term government spending program.

How about we focus on creating an environment that encourages job creation by eliminating harmful government regulations that stifle hiring and by fixing our broken Tax Code without raising taxes?

#### URGING CUTS IN NUCLEAR WEAPONS PROGRAMS

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

Mr. MARKEY. The "Occupy Wall Street" protests have spread from New York to cities across America. As the protests expand, people are asking, Why? Why are thousands of Americans in the streets? Because Americans are fed up.

Ninety-nine percent of the people are 100 percent fed up. They are fed up with a system that puts profit over people, that rewards the rich at the expense of everyone else. Let me give you an example:

The government plans to spend \$700 billion on new nuclear weapons systems over the next 10 years, even as it's proposing to cut research for Alzheimer's, for cancer research, for a diabetes cure, to take care of Medicare and Medicaid patients across our country.

The American people are not afraid that their family is going to get killed by a new nuclear weapon. They're afraid that the killing that comes into their life comes from the terrorist that is the phone call from a doctor in the middle of the night that another member of their family has cancer, has diabetes, has Alzheimer's, has Parkinson's.

That's the priority that we have to establish for our country. That's why 65 of my colleagues are going to introduce this effort to cut \$200 billion out of the nuclear weapons program over the next 10 years.

#### HOUSE REPUBLICANS CONTINUE TO LEAD THE WAY ON CREATING JOBS

(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. Madam Speaker, last week, House Education and Workforce Committee Chairman JOHN KLINE of Minnesota in-

troduced the Workforce Democracy and Fairness Act. This act is a direct response to the National Labor Relations Board's recent reckless action to rush union elections. The NLRB is again showing favoritism toward union bosses at the expense of rights of workers and employers.

As an original cosponsor of this legislation, I am grateful to stand up against the powerful unions and their leaders. This legislation ensures employers, small businesses, are able to participate in a fair union election process. It helps workers make an informed choice. Best of all, it safeguards the privacy of workers.

In Right-to-Work States, such as South Carolina, workers are protected, new well-paying jobs are created, and votes of all citizens are respected. This legislation prevents NLRB from limiting such freedoms in the workplace.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### HONORING THE UNIVERSITY OF MIAMI'S HIGH RANKING

(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. Madam Speaker, I rise today to pay tribute to the University of Miami for being named as the country's 38th best university in U.S. News and World Report's recent rankings. The University of Miami is the highest ranked school in the great State of Florida, and it has moved up nine spots since last year and 29 over the last decade, making it one of the fastest rising institutions. The university's ascent in the rankings is attributed to a marked improvement in key areas such as graduation rates, freshmen retention rates, and average SAT scores of entering freshmen.

I earned a doctorate in education from the University of Miami, so I take special pride in this high ranking. I ask my colleagues to join me in congratulating the university; its president, Donna Shalala; and the incredible faculty, staff, and student body. This is an honor for the "U" and for the entire State of Florida.

Go Canes.

#### AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, OCTOBER 13, 2011, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCE LEE MYUNG-BAK, PRESIDENT OF THE REPUBLIC OF KOREA

Mr. MILLER of Florida. Madam Speaker, I ask unanimous consent that it may be in order at any time on Thursday, October 13, 2011, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Lee Myung-bak, President of the Republic of Korea.

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

There was no objection.

#### 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.

□ 1410

#### VETERANS OPPORTUNITY TO WORK ACT OF 2011

Mr. MILLER of Florida. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2433) to amend title 38, United States Code, to make certain improvements in the laws relating to the employment and training of veterans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2433

*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 "Veterans Opportunity to Work Act of 2011".

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

Sec. 1. Short title; table of contents.

#### TITLE I—RETRAINING VETERANS

Sec. 101. Veterans retraining assistance program.

#### TITLE II—IMPROVING THE TRANSITION ASSISTANCE PROGRAM

Sec. 201. Transition Assistance Program contracting.

Sec. 202. Mandatory participation in Transition Assistance Program.

Sec. 203. Report on Transition Assistance Program.

Sec. 204. Transition Assistance Program outcomes.

Sec. 205. Comptroller General review.

#### TITLE III—IMPROVING THE TRANSITION OF VETERANS TO CIVILIAN EMPLOYMENT

Sec. 301. Reauthorization and improvement of demonstration project on credentialing and licensure of veterans.

Sec. 302. Inclusion of performance measures in annual report on veteran job counseling, training, and placement programs of the Department of Labor.

Sec. 303. Clarification of priority of service for veterans in Department of Labor job training programs.

Sec. 304. Evaluation of individuals receiving training at the National Veterans' Employment and Training Services Institute.

Sec. 305. Requirements for full-time disabled veterans' outreach program specialists and local veterans' employment representatives.

Sec. 306. Report on findings of the Department of Defense and Department of Labor credentialing work group.

#### TITLE IV—IMPROVEMENTS TO UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS

Sec. 401. Clarification of benefits of employment covered under USERRA.

#### TITLE V—OTHER MATTERS

Sec. 501. Extension of certain expiring provisions of law.

Sec. 502. Department of Veterans Affairs housing loan guarantees for surviving spouses of certain totally disabled veterans.

Sec. 503. Reimbursement rate for ambulance services.

Sec. 504. Annual reports on Post-9/11 Educational Assistance Program and Survivors' and Dependents' Educational Assistance Program.

Sec. 505. Limitation on amount authorized to be appropriated for employee travel, printing, and fleet vehicles.

Sec. 506. Extension of reduced pension for certain veterans covered by Medicaid plans for services furnished by nursing facilities.

Sec. 507. Statutory Pay-As-You-Go-Act of 2010.

#### TITLE I—RETRAINING VETERANS

##### SEC. 101. VETERANS RETRAINING ASSISTANCE PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—In accordance with this section, during the period beginning on June 1, 2012, and ending on March 31, 2014, the Secretary of Labor shall provide for monthly payments of retraining assistance to eligible veterans. Payments of retraining assistance under this section shall be made by the Secretary of Labor through the Secretary of Veterans Affairs.

(2) NUMBER OF ELIGIBLE VETERANS.—The number of eligible veterans who participate in the program may not exceed—

(A) 45,000 during fiscal year 2012; and

(B) 55,000 during the period beginning October 1, 2012, and ending March 31, 2014.

(b) RETRAINING ASSISTANCE.—Except as provided by subsection (i), each veteran who participates in the program established under subsection (a)(1) shall be entitled to up to 12 months of retraining assistance, as determined by the Secretary of Labor. Such retraining assistance may only be used by the veteran to pursue a program of education (as such term is defined in section 3452(b) of title 38, United States Code) or training on a full-time basis that—

(1) is approved under chapter 36 of such title;

(2) is offered by a community college or technical school;

(3) leads to an associates degree or a certificate (or other similar evidence of the completion of the program of education or training); and

(4) is designed to provide training for a high-demand occupation, as determined by the Secretary of Labor.

(c) MONTHLY CERTIFICATION.—Each veteran who participates in the program established under subsection (a)(1) shall certify to the Secretary of Veterans Affairs the enrollment of the veteran in a program of education described in subsection (b) for each month in which the veteran participates in the program.

(d) AMOUNT OF ASSISTANCE.—The monthly amount of the retraining assistance payable under this section is the amount in effect under section 3015(a)(1) of title 38, United States Code.

(e) ELIGIBILITY.—For purposes of this section, an eligible veteran is a veteran who—

(1) is at least 35 years of age but not more than 60 years of age;

(2) was last discharged from active duty service in the Armed Forces with an honorable discharge;

(3) as of the date of the submittal of the application for assistance under this section, has been unemployed for a period of time determined by the Secretary, with special consideration given to veterans who have been unemployed for at least 26 continuous weeks;

(4) is not eligible to apply for educational assistance under chapter 30, 31, 33, or 35 of title 38, United States Code; and

(5) by not later than October 1, 2013, submits to the Secretary of Labor an application containing such information and assurances as the Secretary may require.

(f) REPORT.—Not later than July 1, 2014, the Secretary of Labor and the Secretary of Veterans Affairs shall jointly submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the retraining assistance provided under this section, including—

(1) the total number of—

(A) eligible veterans who participated;

(B) credit hours completed; and

(C) associates degrees or certificates awarded (or other similar evidence of the completion of the program of education or training earned); and

(2) data related to the employment status of eligible veterans who participated.

(g) JOINT AGREEMENT.—The Secretary of Labor and the Secretary of Veterans Affairs shall enter into an agreement on carrying out this section.

(h) SOURCE OF FUNDS.—Payments under this section shall be made from amounts appropriated to the readjustment benefits account of the Department of Veterans Affairs.

(i) TERMINATION OF AUTHORITY.—The authority to make payments under this section shall terminate on March 31, 2014.

#### TITLE II—IMPROVING THE TRANSITION ASSISTANCE PROGRAM

##### SEC. 201. TRANSITION ASSISTANCE PROGRAM CONTRACTING.

(a) TRANSITION ASSISTANCE PROGRAM CONTRACTING.—

(1) IN GENERAL.—Section 4113 of title 38, United States Code, is amended to read as follows:

##### “§ 4113. Transition Assistance Program personnel

“(a) AUTHORITY TO CONTRACT.—In accordance with section 1144 of title 10, the Secretary shall enter into a contract with an appropriate private entity or entities to provide the functions described in subsection (b) at all locations where the program described in such section is carried out.

“(b) FUNCTIONS.—Contractors under subsection (a) shall provide to members of the Armed Forces who are being separated from active duty (and the spouses of such members) the services described in section 1144(a)(1) of title 10, including—

“(1) counseling;

“(2) assistance in identifying employment and training opportunities and help in obtaining such employment and training;

“(3) other related information and services under such section; and

“(4) any other services that the Secretary determines are appropriate.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of title 38, United States Code, is amended by striking the item relating to section 4113 and inserting the following new item:

“4113. Transition Assistance Program personnel.”

(b) DEADLINE FOR IMPLEMENTATION.—The Secretary of Labor shall enter into the contract required by section 4113 of title 38, United States Code, as added by subsection (a), by not later than 24 months after the date of the enactment of this Act.

##### SEC. 202. MANDATORY PARTICIPATION IN TRANSITION ASSISTANCE PROGRAM.

Section 1144(c) of title 10, United States Code, is amended by striking “shall encourage” and all that follows and inserting “shall encourage the participation of members of the armed forces in pay grades E-8 and above and O-6 and above who are eligible for assistance under the program and shall require the participation of all other members of the armed forces who are eligible for assistance under the program unless a documented urgent operational requirement prevents attendance or an individual service member, with written approval of their commander, chooses to decline participation, in writing, based on post-service employment or acceptance to an education program. Such documentation shall be included in the personnel record of the member.”

##### SEC. 203. REPORT ON TRANSITION ASSISTANCE PROGRAM.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) REPORTS AND AUDITS.—(1) Not later than January 30 of each year, the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the program established under this section that includes the number of members of the armed forces eligible for assistance under the program who participated in the program within 30, 90, and 180 days of being separated from active duty, and the percentages of all such eligible participants who participated within each such time period.

“(2)(A) The Secretary of Labor shall enter into a contract with an appropriate entity to conduct an audit of the program established under this section not less frequently than once every three years and to submit to the Secretary of Defense, the Secretary of Labor, the Secretary of Veterans Affairs, and the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the results of each such audit.

“(B)(i) Except as provided in clause (ii), the Secretary of Labor shall enter into the contract under subparagraph (A) with an appropriate entity that is a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans and that is included in the database of veteran-owned businesses maintained under subsection (f) of section 8127 of title 38 and verified by the Secretary pursuant to paragraph (4) of that subsection.

“(ii) If the Secretary of Labor is unable to enter into the contract under subparagraph (A) with a qualified business concern described in clause (i), the Secretary shall enter into such contract with another qualified appropriate entity.

“(C) The Secretary of Labor shall enter into the contract under this paragraph using funds made available for the State grant program authorized under section 4102A of title 38.”

##### SEC. 204. TRANSITION ASSISTANCE PROGRAM OUTCOMES.

Section 1144 of title 10, United States Code, as amended by section 202 and 203, is further amended by adding at the end the following new subsection:

“(f) PROGRAM OUTCOMES.—The Secretary of Labor shall develop a method to assess the outcomes for individuals who participate in the program established under this section.

The Secretary of Defense shall provide to the Secretary of Labor any data on participation in the program that is necessary for the Secretary of Labor to develop such method. Such method shall be designed to determine the following outcomes:

“(1) The length of the period during which the individual was unemployed following the individual’s separation from active duty.

“(2) The beginning salary paid to the individual for the first job the individual obtained following such separation.

“(3) The number of months of school or other training the individual attended during the first 12-month period following such separation.”.

#### SEC. 205. COMPTROLLER GENERAL REVIEW.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the Transition Assistance Program under section 1144 of title 10, United States Code, and submit to Congress a report on the results of the review and any recommendations of the Comptroller General for improving the program.

### TITLE III—IMPROVING THE TRANSITION OF VETERANS TO CIVILIAN EMPLOYMENT

#### SEC. 301. REAUTHORIZATION AND IMPROVEMENT OF DEMONSTRATION PROJECT ON CREDENTIALING AND LICENSURE OF VETERANS.

Section 4114 of title 38, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “not less than 10” and inserting “not less than 5 but not more than 10”; and

(B) in paragraph (2), by striking “consult with appropriate Federal, State, and industry officials” and inserting “enter into a contract with an appropriate entity representing a coalition of State governors”;

(2) in subsection (g)—

(A) by striking “Veterans Benefits, Health Care, and Information Technology Act of 2006” and inserting the “Veterans Opportunity to Work Act of 2011”; and

(B) by striking “September 30, 2009” and inserting “September 30, 2014”;

(3) in subsection (h)—

(A) by striking “utilizing unobligated funds” and inserting “using not more than \$180,000 of the funds in each fiscal year”; and

(B) by inserting before the period at the end the following: “, to be derived from amounts otherwise made available to carry out sections 4103A and 4104 of this title”; and

(4) by adding at the end the following new subsection:

“(i) REPORT TO CONGRESS.—Not later than 30 days after the last day of a fiscal year during which the demonstration project under this section is carried out, the Assistant Secretary, in coordination with the entity with which the Assistant Secretary enters into a contract under subsection (b)(2), shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the implementation of the demonstration project during that fiscal year.”.

#### SEC. 302. INCLUSION OF PERFORMANCE MEASURES IN ANNUAL REPORT ON VETERAN JOB COUNSELING, TRAINING, AND PLACEMENT PROGRAMS OF THE DEPARTMENT OF LABOR.

Section 4107(c) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking “clause (1)” and inserting “paragraph (1)”;

(2) in paragraph (5), by striking “and” at the end;

(3) in paragraph (6), by striking the period and inserting “; and”; and

(4) by adding at the end the following new paragraphs:

“(7) performance measures for the provision of assistance under this chapter, including—

“(A) the percentage of participants in programs under this chapter who are employed after the 180-day period following their completion of the program;

“(B) the percentage of such participants who are employed after the one-year period following their completion of the program;

“(C) the median earnings of such participants after the 180-day period following their completion of the program;

“(D) the median earnings of such participants after the one-year period following their completion of the program; and

“(E) the percentage of participants in such program who complete a certificate, degree, diploma, licensure, or industry-recognized credential while they are participating in the program or within one year of completing the program.”.

#### SEC. 303. CLARIFICATION OF PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

Section 4215 of title 38, United States Code, is amended—

(1) in subsection (a)(3), by adding at the end the following: “Such priority includes giving access to such services to a covered person before a non-covered person or, if resources are limited, giving access to such services to a covered person instead of a non-covered person.”; and

(2) by amending subsection (d) to read as follows:

“(d) ADDITION TO ANNUAL REPORT.—(1) In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs. Such evaluation shall include—

“(A) an analysis of the implementation of providing such priority at the local level;

“(B) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any; and

“(C) performance measures, as determined by the Secretary, to determine whether veterans are receiving priority of service and are being fully served by qualified job training programs.

“(2) The Secretary may not use the proportion of representation of veterans described in subparagraph (B) of paragraph (1) as the basis for determining under such paragraph whether veterans are receiving priority of service and are being fully served by qualified job training programs.”.

#### SEC. 304. EVALUATION OF INDIVIDUALS RECEIVING TRAINING AT THE NATIONAL VETERANS’ EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) IN GENERAL.—Section 4109 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d) The Secretary shall require that each individual who receives training provided by the Institute, or its successor, is given a final examination to evaluate the individual’s performance in receiving such training. Each such evaluation shall be designed to provide the individual with a grade, which shall be designated as either a passing grade or a failing grade. The results of such final examination shall be provided to the entity that sponsored the individual who received the training.”.

(b) EFFECTIVE DATE.—Subsection (d) of section 4109 of title 38, United States Code, shall apply with respect to training provided by the National Veterans’ Employment and Training Services Institute that begins on or after the date of the enactment of this Act.

#### SEC. 305. REQUIREMENTS FOR FULL-TIME DISABLED VETERANS’ OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS’ EMPLOYMENT REPRESENTATIVES.

(a) DISABLED VETERANS’ OUTREACH PROGRAM SPECIALISTS.—Section 4103A of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d) ADDITIONAL REQUIREMENT FOR FULL-TIME EMPLOYEES.—(1) A full-time disabled veterans’ outreach program specialist shall perform only duties related to meeting the employment needs of eligible veterans, as described in subsection (a), and shall not perform other non-veteran-related duties.

“(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.”.

(b) LOCAL VETERANS’ EMPLOYMENT REPRESENTATIVES.—Section 4104 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) ADDITIONAL REQUIREMENTS FOR FULL-TIME EMPLOYEES.—(1) A full-time local veterans’ employment representative shall perform only duties related to the employment, training, and placement services under this chapter, and shall not perform other non-veteran-related duties.

“(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.”.

#### SEC. 306. REPORT ON FINDINGS OF THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF LABOR CREDENTIALING WORK GROUP.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Labor shall jointly enter into a contract with a qualified organization or entity jointly selected by the Secretaries to complete the study of 10 military occupational specialties already begun by the joint Department of Defense and Department of Labor Credentialing Work Group to reduce barriers to certification and licensure for transitioning members of the Armed Forces and veterans. This study shall also include an examination of current initiatives, programs, and authority already established within the Department of Defense and the military services to promote credentialing of members of the Armed Forces and identify best practices that can be leveraged by all services to increase the transferability of military education, training, experience, and skills.

(b) REPORT.—The contract described in subsection (a) shall provide that upon completion of the study described in such subsection, the organization or entity with which the Secretary of Defense and the Secretary of Labor entered into the contract shall submit to the Secretary of Defense and the Secretary of Labor a report setting forth the results of the study. The report shall include—

(1) a plan for leveraging existing successful initiatives, programs, and authority to promote the credentialing of all members of the Armed Forces; and

(2) such information as the Secretaries shall specify in the contract.

(c) SUBMITTAL TO CONGRESS.—Not later than March 31, 2012, the Secretary of Defense

and the Secretary of Labor shall jointly submit to Congress a report on the results of the study described in subsection (a), together with such comments on the report as the Secretaries jointly consider appropriate.

#### **TITLE IV—IMPROVEMENTS TO UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS**

##### **SEC. 401. CLARIFICATION OF BENEFITS OF EMPLOYMENT COVERED UNDER USERRA.**

Section 4303(2) of title 38, United States Code, is amended by inserting “the terms, conditions, or privileges of employment, including” after “means”.

#### **TITLE V—OTHER MATTERS**

##### **SEC. 501. EXTENSION OF CERTAIN EXPIRING PROVISIONS OF LAW.**

(a) **ADJUSTABLE RATE MORTGAGES.**—Section 3707(a) of such title is amended by striking “2012” and inserting “2014”.

(b) **HYBRID ADJUSTABLE RATE MORTGAGES.**—Section 3707A(a) of such title is amended by striking “2012” and inserting “2014”.

(c) **POOL OF MORTGAGE LOANS.**—Section 3720(h)(2) of title 38, United States Code, is amended by striking “December 31, 2011” and inserting “December 31, 2016”.

(d) **LOAN FEES.**—

(1) **EXTENSION OF FEES.**—Section 3729(b)(2) of such title is amended—

(A) in subparagraph (A)—

(i) in clause (iii), by striking “November 18, 2011” and inserting “October 1, 2017”; and

(ii) in clause (iv), by striking “November 18, 2011” and inserting “October 1, 2017”;

(B) in subparagraph (B)—

(i) in clause (i), by striking “November 18, 2011” and inserting “October 1, 2017”;

(ii) by striking clauses (ii) and (iii) and redesignating clause (iv) as clause (ii); and

(iii) in clause (ii), as so redesignated, by striking “October 1, 2013” and inserting “October 1, 2017”;

(C) in subparagraph (C)—

(i) in clause (i), by striking “November 18, 2011” and inserting “October 1, 2017”; and

(ii) in clause (ii), by striking “November 18, 2011” and inserting “October 1, 2017”; and

(D) in subparagraph (D)—

(i) in clause (i), by striking “November 18, 2011” and inserting “October 1, 2017”; and

(ii) in clause (ii), by striking “November 18, 2011” and inserting “October 1, 2017”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on the later of—

(A) October 1, 2011; or

(B) the date of the enactment of this Act.

(e) **TEMPORARY ADJUSTMENT OF MAXIMUM HOME LOAN GUARANTY AMOUNT.**—Section 501 of the Veterans Benefits Improvement Act of 2008 (Public Law 110-389; 122 Stat. 4175; 38 U.S.C. 3703 note) is amended by striking “December 31, 2011” and inserting “December 31, 2014”.

##### **SEC. 502. DEPARTMENT OF VETERANS AFFAIRS HOUSING LOAN GUARANTEES FOR SURVIVING SPOUSES OF CERTAIN TOTALLY DISABLED VETERANS.**

(a) **IN GENERAL.**—Section 3701(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(6) The term ‘veteran’ also includes, for purposes of home loans, the surviving spouse of a deceased veteran who dies and who was in receipt of or entitled to receive (or but for the receipt of retired or retirement pay was entitled to receive) compensation at the time of death for a service-connected disability rated totally disabling if—

“(A) the disability was continuously rated totally disabling for a period of 10 or more years immediately preceding death;

“(B) the disability was continuously rated totally disabling for a period of not less than

five years from the date of such veteran’s discharge or other release from active duty; or

“(C) the veteran was a former prisoner of war who died after September 30, 1999, and the disability was continuously rated totally disabling for a period of not less than one year immediately preceding death.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to a loan guaranteed after the date of the enactment of this Act.

(c) **CLARIFICATION WITH RESPECT TO CERTAIN FEES.**—Fees shall be collected under section 3729 of title 38, United States Code, from a person described in paragraph (6) of subsection (b) of section 3701 of such title, as added by subsection (a), in the same manner as such fees are collected from a person described in paragraph (2) of such subsection.

##### **SEC. 503. REIMBURSEMENT RATE FOR AMBULANCE SERVICES.**

Section 111(b)(3) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(C) In the case of transportation of a person under subparagraph (B) by ambulance, the Secretary may pay the provider of the transportation the lesser of the actual charge for the transportation or the amount determined by the fee schedule established under section 1834(l) of the Social Security Act (42 U.S.C. 1395(l)) unless the Secretary has entered into a contract for that transportation with the provider.”.

##### **SEC. 504. ANNUAL REPORTS ON POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM AND SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE PROGRAM.**

(a) **REPORTS REQUIRED.**—

(1) **IN GENERAL.**—Subchapter III of chapter 33 of title 38, United States Code, is amended by adding at the end the following new section:

###### **“§ 3325. Reporting requirement**

“(a) **IN GENERAL.**—For each academic year—

“(1) the Secretary of Defense shall submit to Congress a report on the operation of the program provided for in this chapter; and

“(2) the Secretary shall submit to Congress a report on the operation of the program provided for in this chapter and the program provided for under chapter 35 of this title.

“(b) **CONTENTS OF SECRETARY OF DEFENSE REPORTS.**—The Secretary of Defense shall include in each report submitted under this section—

“(1) information indicating—

“(A) the extent to which the benefit levels provided under this chapter are adequate to achieve the purposes of inducing individuals to enter and remain in the Armed Forces and of providing an adequate level of financial assistance to help meet the cost of pursuing a program of education;

“(B) whether it is necessary for the purposes of maintaining adequate levels of well-qualified active-duty personnel in the Armed Forces to continue to offer the opportunity for educational assistance under this chapter to individuals who have not yet entered active-duty service; and

“(C) describing the efforts under section 3323(b) of this title to inform members of the Armed Forces of the active duty service requirements for entitlement to educational assistance benefits under this chapter and the results from such efforts; and

“(2) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary of Defense considers appropriate.

“(c) **CONTENTS OF SECRETARY OF VETERANS AFFAIRS REPORTS.**—The Secretary shall in-

clude in each report submitted under this section—

“(1) information concerning the level of utilization of educational assistance and of expenditures under this chapter and under chapter 35 of this title;

“(2) the number of credit hours, certificates, degrees, and other qualifications earned by beneficiaries under this chapter and under chapter 35 of this title during the academic year covered by the report; and

“(3) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary considers appropriate.

“(d) **TERMINATION.**—No report shall be required under this section after January 1, 2021.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3324 the following new item:

“3325. Reporting requirement.”.

(3) **DEADLINE FOR SUBMITTAL OF FIRST REPORT.**—The first reports required under section 3325 of title 38, United States Code, as added by paragraph (1), shall be submitted by not later than November 1, 2012, and shall cover the 2011-2012 academic year.

(b) **REPEAL OF REPORT ON ALL VOLUNTEER-FORCE EDUCATIONAL ASSISTANCE PROGRAM.**—

(1) **IN GENERAL.**—Chapter 30 of such title is amended by striking section 3036.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by striking the item relating to section 3036.

##### **SEC. 505. LIMITATION ON AMOUNT AUTHORIZED TO BE APPROPRIATED FOR EMPLOYEE TRAVEL, PRINTING, AND FLEET VEHICLES.**

The amount authorized to be appropriated for the Department of Veterans Affairs for employee travel, printing, and fleet vehicles for fiscal year 2012 shall not exceed \$385,000,000.

##### **SEC. 506. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.**

Section 5503(d)(7) of title 38, United States Code, is amended by striking “May 31, 2015” and inserting “May 31, 2016”.

##### **SEC. 507. STATUTORY PAY-AS-YOU-GO-ACT OF 2010.**

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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Madam Speaker, I yield myself such time as I may consume.

Today I rise in strong support of H.R. 2433, as amended, the Veterans Opportunity to Work, or the VOW Act. The objective of H.R. 2433, as amended, is to use an approach that is comprehensive and is fiscally and programmatically sound to help a broad cross-section of

veterans obtain or retain meaningful employment.

Foremost among the provisions of the VOW Act is title I of the original legislation that I was proud to introduce to help put our unemployed veterans back to work. Title I targets retraining assistance to 100,000 unemployed veterans of past wars by temporarily extending their eligibility for the Montgomery GI bill. The advantage of this approach is that we are providing a reasonably robust yet affordable benefit without creating a new program. Other provisions in this bill continue the comprehensive approach by mandating, with a few exceptions, that separating servicemembers participate in transition assistance program classes.

Yet other provisions facilitate the alignment of State licensing and credentialing standards with the skills servicemembers learned during their military service to our country, and strengthening the Uniformed Services Employment and Reemployment Rights Act provisions. The bill also incorporates a bill authored by the vice chairman of our committee, my good friend GUS BILIRAKIS from Florida, to direct the VA to collect data to determine the number of credit hours, the degrees, and the certificates earned by those attending courses under the GI bill.

Most importantly, the data collected will help us to learn how well the GI bill benefits are positioning veterans to get jobs in today's economy and market.

Provisions from H.R. 120, authored by the gentlewoman from North Carolina (Ms. FOXX), are also a part of this legislation. These provisions would extend the VA's home loan guaranty program to certain surviving spouses of chronically and severely disabled veterans. I thank Ms. FOXX for her continued advocacy on behalf of those whose support and loyalty was so important to their veteran spouses.

And finally, I should point out that the mandatory and discretionary costs of the bill before us today are fully covered and are compliant with the budget rules of this House, according to CBO. Mandatory offsets are covered by extending at their present rate funding fees paid by veterans using their home loan guaranty benefit and by limiting pension payments to veterans receiving care in Medicaid-funded nursing homes. These are both offsets that the committee has used extensively in the past, and most importantly, in passing a fix to the post-9/11 GI bill by a vote of 424-0 in this House.

The discretionary costs of the bill are covered by two additional provisions. The first eliminates the overcharging of VA by ambulance providers for transporting certain veterans. And the second holds VA employee travel, printing, and vehicle fleet costs at 2011 levels.

To my colleagues on both sides of the aisle, I say that this is in fact a good

bill that addresses a major issue confronting the Nation in a comprehensive and fiscally responsible manner with the support of the veterans service organizations.

Madam Speaker, I urge all of my colleagues to join me in supporting H.R. 2433, as amended, and I reserve the balance of my time.

Mr. FILNER. I yield myself such time as I may consume.

Madam Speaker, I think the whole committee, and certainly the chairman and I, agree that putting veterans to work, especially at a time of high unemployment in general, should be one of the chief goals not only of this committee but of the entire Congress and our Nation. And when we may have, for example, double or even triple the already tragic unemployment rate for veterans, it becomes that much more important.

Now I've heard descriptions of this bill as comprehensive and as meaningful. And I was looking forward to this VOW bill, the Veterans Opportunity to Work. I was hoping it would be a WOW bill—that is, a wonderful opportunity to work—but it seems it has become, and remains so, the HOW bill—how are we going to put anybody to work with this bill?

Let me try to make that clear, Madam Speaker. Throughout the whole committee process that this bill went through, I described it as one that did not create jobs, but actually taxed veterans. Taxed veterans. Remember that, Madam Speaker. You took a pledge not to vote for anything that taxed anybody. This bill does. It actually taxes one group of veterans to help some other group of veterans. And I still feel the same way about the bill as it came through the process. Now I support all programs that will help veterans and improve their lives, and I know this bill is called a jobs bill. But, it is merely a retraining bill. Retraining.

Now, we all want retraining, and we all know it's important. But I want to get people a job. I don't just want to retrain them and call this some great bill. My concern is that this bill will not get veterans hired at all. It may retrain them, who knows, but they'll have no place to get a job. And we'll have taxed one set of veterans to pay for their retraining—an increased tax, for all of you who took the pledge not to increase taxes.

Now I think we have to support the spirit of the bill of retraining and try to find proper funding in a bipartisan way, and I hope that working with our Senate counterparts we can do that. We need proper funding for all of these programs that are so good. But the gentleman and his party don't want to ask for more money from anybody, even our millionaires. They want to tax one group of veterans who are trying to buy homes, and so they'll train this group of veterans and claim they're creating jobs. Now, that's not what we should be doing here in this Congress.

This bill will actually diminish services to our veterans. I know that my counterparts, for example, want the so-called TAP classes, the Transition Assistance Program classes, contracted out. But I don't think the time is right to do that. So how do we pay for this bill for retraining, this VOW bill that should've been a WOW bill but is only a HOW bill? It says to those who want to buy a home through the VA housing program that your fees, which were scheduled to go down, will not now go down. They're going to be kept high. This refusal to extend a tax decrease has always been described by the party over there as a tax increase, so I will keep your language. You are increasing the taxes on one group of veterans who want to buy homes to pay for this retraining bill which may not get anybody a job.

Now, I know, Madam Speaker, you're going to tell Grover Norquist what's going on here, get hold of him right away, because this is a violation of the pledge that he is requiring of all of the Republicans: don't raise taxes. And in his definition of raising taxes, it's extending fees that were going to go down that now don't go down. So that's an increase in taxes.

So let's remember this when we think about the VOW bill. Let's vow to say we want to put people to work, we don't want to raise taxes. But this bill does neither. It not only doesn't put people to work, it raises taxes. So I cannot support the bill, Madam Speaker, and I reserve the balance of my time.

Mr. MILLER of Florida. Madam Speaker, I did not know that we were here today to hear a recitation of Dr. Seuss, but apparently we are.

What's interesting to note is that the gentleman from California has supported over and over and over again reaching into fee payments to pay for funding of other programs which he supported, like the Filipino Veterans Act, which I supported. And, in fact, I was a cosponsor of that piece of legislation. And I find that it's interesting that in 2010, Mr. FILNER proposed nearly \$1 billion in cuts to old age pension and aid, and attendants payments to the elderly, the poor, and the disabled wartime American veterans in an attempt to provide generous payments to noncitizen Filipino veterans of the Second World War.

□ 1420

With that, I would like to yield 2 minutes to the gentleman from Florida, the vice chair of the Veterans' Affairs Committee, Mr. BILIRAKIS.

Mr. BILIRAKIS. I rise today in support of H.R. 2433, the Veterans Opportunity to Work Act.

One of our Nation's most pressing concerns is job creation, Madam Speaker. I find it particularly disheartening when members of our armed services return home, only to find a difficult economic climate and a civilian sector workforce that cannot translate the valuable skills that they have

learned in that service. I'm so proud to have cosponsored H.R. 2433, which will provide veterans with meaningful transition assistance, retrain unemployed veterans in high-demand fields, and better link military skills to civilian jobs through licensing and credentialing.

I believe that one of the greatest benefits afforded to any individual is the opportunity to obtain a quality education, Madam Speaker. As more and more of our current servicemembers return home from active duty, many will opt to use their post-9/11 GI benefits. I'm pleased that language I introduced as H.R. 2274—and I'd like to thank the chairman for that—was also incorporated into my bill. This commonsense language will create a tracking mechanism to ensure that the Post-9/11 Educational Assistance Program is adequately providing the education benefits intended in order to ensure that money for our heroes is being spent in the most efficient and effective manner to afford our veterans an education.

Madam Speaker, as more and more men and women return home from active duty, we must ensure that we are easing their transition back into the civilian workforce as best as we can. I believe that H.R. 2433 does just that. I want to thank the chairman again for introducing it.

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

I thank the gentleman for the description of Dr. Seuss. He's a great citizen of the city of San Diego, and a great hero to all of us in San Diego. So we always quote Dr. Seuss. I understand your appreciation, and I'm thrilled by it.

You are not quite as accurate, though, when you say where we got the money for the Filipino veterans bill. In fact, we got it from a completely different source. You may or may not be accurate on my previous votes, but I never took the pledge that you have taken, Mr. Chairman. I never took the pledge that all of you have taken about not allowing the lowering of fees as a new tax.

Mr. MILLER of Florida. Will the gentleman yield?

Mr. FILNER. I will yield when I'm finished. You have a lot of time left.

We're coming from wholly different places. I believe in the jobs bill that is being voted on in the Senate, that we should actually in fact not only cut programs but increase our revenue from a surtax on the millionaires in our society. So I'm there when I say we need new funds. You're the ones who keep saying, Don't do anything; Don't do anything; Don't increase anything; Don't extend this, don't extend that. You're the guys who are the hypocrites here. So don't confuse my past votes with hypocrisy.

In addition, there are bills before our committee, Mr. Chairman, and you know it, that actually increase the jobs that are available for veterans. They

actually take steps to increase the ability for our veterans who are defending our Nation, who we owe so much to, to get the jobs.

Besides, as you know, we have goals all over the government to hire veterans and to hire disabled veterans. Those goals are not enforced. What if we enforced those goals? We could hire thousands of veterans, because it is the intent of Congress and the intent of this Nation that they be given priority in the hiring process, especially with public jobs. Yet we do not enforce those goals.

So let's not say that this is the only way to increase jobs. There are dozens of way, and they're in front of our committee.

Let's go for a WOW bill; a wonderful opportunity to work for our veterans. Let's move off the VOW. Let's move off the taxing of one part of veterans to pay for the other. Let's really create jobs for those who have done so much for our Nation.

I reserve the balance of my time.

Mr. MILLER of Florida. Since the gentleman, my good friend, forgot to yield to me during that discussion, I just want to set the record straight that H.R. 2297, on December 16, 2003, of which Mr. FILNER was a cosponsor, increased—it didn't just extend—it increased fees on original and subsequent use loans, which was done to finance veterans benefits in the bill, including the burial of Philippine veterans. In the House he enthusiastically endorsed the bill reported out of committee and again endorsed a negotiated version with the Senate.

With that, I yield 2 minutes to my colleague from North Carolina (Ms. FOXX).

Ms. FOXX. I thank the gentleman from Florida, Chairman MILLER, for bringing this legislation to the floor.

Madam Speaker, in 30 days, our country will pause to celebrate and thank the millions of Americans who have worn the uniform of the United States. As we approach Veterans Day, we should ask ourselves if this Congress is doing all that can be done for our veterans. This bill maintains our promise not only to the men and women who have served in the Armed Forces, but to their families as well.

Out of concern that some families of veterans were being excluded from benefits that common sense would dictate that they be eligible for, I authored H.R. 120, the Disabled Veterans' Spouses Home Loans Act. It is only right that these surviving spouses be eligible to receive the VA Home Loan Guaranty, even though the veterans' deaths are not identified as service-connected, because such veterans had permanent and total service-connected disabilities for at least 10 years immediately preceding their deaths.

H.R. 120 has been endorsed by the Disabled American Veterans, who agree that this legislation is long overdue. The legislation has also been endorsed by the 2.1 million of the Vet-

erans of Foreign Wars, who believe that "allowing a military widow to utilize the VA home loan program is the right thing to do." This legislation rightfully gives disabled veterans the peace of mind that their surviving spouses will be able to benefit from the VA Home Loan Guaranty after their death. These veterans and their families have sacrificed so that others may live freely, and for that they deserve to be eligible for this benefit.

Again, I thank Chairman MILLER for including H.R. 120 as part of H.R. 2433 and for the great work that the committee is doing on behalf of America's veterans. On behalf of our veterans, I urge my colleagues to support this legislation.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume, and I would yield to the gentlelady from North Carolina (Ms. FOXX).

I appreciate the provision you put in. But do you know that the other provision increases the fees for veterans to buy their homes, that you are extending a higher fee and paying for this whole thing by taxing these veterans at a higher rate? Do you realize that that's what you're voting for, in violation of your pledge to Grover Norquist?

Ms. FOXX. I am going to yield to my colleague from Florida (Mr. MILLER).

Mr. FILNER. I asked you. I didn't yield to him. I yielded to you, Ms. FOXX. Do you know that you're voting on an extension of taxes, in violation of your pledge to Grover Norquist?

Ms. FOXX. As I said, I would yield to my colleague—

Mr. FILNER. I don't yield to the chair. I yielded only to you.

For the record, I guess you don't know what you're voting on, or you're voting against what your pledge was.

The SPEAKER pro tempore. The gentleman will address his remarks to the Chair.

Mr. FILNER. Madam Speaker, the gentlelady from North Carolina did not answer my question. I guess she either doesn't know what's in the bill, or she's violating her pledge. I'll leave it at that.

Once again, we need jobs for veterans in this country. There is no debate about that. And there's no debate that retraining is okay. What we are debating here is whether this is an effective way to use the floor of this House to bring up a bill which will be presented as something that did jobs, and does nothing, and shows the hypocrisy of these pledges that they're voting to extend the increase—

Mr. MILLER of Florida. Will the gentleman yield?

Mr. FILNER. I'm not yielding.

Mr. MILLER of Florida. Will my good friend yield?

Mr. FILNER. I will not even yield to my good friend. Even if you were my best friend, I wouldn't yield to you.

The hypocrisy of saying, we can't tax anything, we can't tax anything but when it comes to veterans who want to buy a home, their fees are going to be increased because of this bill.



□ 1430

Now, that ought to be known to the American people that we're going to vote against a 5 percent surcharge on millionaires, but we're going to go after these folks who are trying to buy their first home and have to pay higher fees.

This Republican party is going to protect the millionaires but go after the veterans who can't afford a home. That's what this argument is about right now, under the guise of helping our veterans find jobs. Let's show the American people where reality is.

I reserve the balance of my time.

Mr. MILLER of Florida. I would ask my good friend, the ranking member, if he would respond to a question.

Mr. FILNER. Tell me what the question is.

Mr. MILLER of Florida. Madam Speaker, I would ask if the gentleman from California supports Senator MURRAY's piece of legislation—which I believe there is almost an identical piece filed in the House by Mr. BISHOP—does he support, yes or no, that piece of legislation?

Mr. FILNER. Will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from California.

Mr. FILNER. No, I don't support it because it has the same funding thing. And I don't support the hypocrisy of the Republican Party, which says it's against a 5 percent surtax on millionaires but will tax veterans who are trying to buy their first home.

Mr. MILLER of Florida. Reclaiming my time, Madam Speaker, I find it quite interesting that the gentleman from California has just called the Senator, who is the chair of the Veterans' Affairs Committee, a hypocrite, which I do not believe is appropriate.

I believe that there are nuances and differences which we will be able to work out, hopefully, in conference when we bring these bills together. I hope that the minority will, in fact, engage in the conference portion of this piece of legislation because we have tried to engage them over and over outside of the committee structure to be able to give them an opportunity to give us another offset, another way to fund this particular piece of legislation, and they have not brought anything to us. So, to me, it's a problem we are trying to solve. We have different ways in which we are trying to accomplish goals.

And I want to put veterans back to work, helping to retrain those, in particular those that are unemployed in this very, very difficult economic time. The overall veterans' unemployment numbers are around 8.1 percent, and we know that the numbers with the OEF/OIF returning veterans are significantly higher.

I don't believe I have any more speakers on this particular piece of legislation, Madam Speaker, and I would reserve the balance of my time.

Mr. FILNER. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from California has 9½ minutes remaining.

Mr. FILNER. Thank you.

Let me just correct again my friend, the chairman. I didn't call Chairman MURRAY a hypocrite. I called those of the Republican Party who have taken a pledge of no taxation and voting for taxes here, hypocrites. Let's be clear about whom I'm calling hypocrite. Let's be clear about that.

Second, there are a hundred different ways to have a better bill here. I would support it with all my heart. There are bills before the committee. There are concepts that have been brought up by me and others. Let's bring a real jobs bill to the floor and I'll be happy to support it.

Mr. MILLER of Florida. Will the gentleman yield?

Mr. FILNER. I yield to the gentleman from Florida.

Mr. MILLER of Florida. If there are a hundred ways to perfect the piece of legislation, why have you and the minority party not offered one, not one time in our committee? And you and I have tried very diligently during the preceding months in this Congress to try to be able to keep as nonpartisan as we possibly can, but not one time have you offered anything other than rhetoric to attempt to perfect this bill. Why haven't you offered any amendments?

Mr. FILNER. Mr. Chairman, first of all, let me first say I do appreciate the efforts that you have made, very aggressively, to keep a bipartisan aura on this committee. And I think you and I have taken a whole new position than the past. We have met regularly for breakfast and for lunch. We have even paid for each other—without taxing others.

But you know as well as I do, there are other bills that should have been brought to this floor. You wouldn't bring them up. SANFORD BISHOP's bill, for example, which came to the committee. I endorsed it. I don't see it anywhere. You wouldn't take it up.

You know we can't get any amendments through your committee when you tell them not to vote for them. So, come on, you know the process. You decided that this is the bill that's going to happen.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members will address their remarks to the Chair.

Mr. FILNER. I will say through the Chair that the chairman knows very well how the process works. He knows that we can't get amendments passed. He knows there are other bills—mainly Democratic bills—that are before the committee; some have had a hearing, some haven't, but they haven't been brought to the floor. We get a "vow" act, we don't get a "wow" act, we get a "how" act. That's what has been brought by the leadership of the committee to the floor.

Mr. Chairman, you have yielded to me; I will yield back here. Why won't

you support mandatory goals for veterans or disabled veterans, as they are in legislation as goals—3 percent sometimes—for hiring? Let's make them mandatory. Do you agree to that? You asked me a question. Do you agree to mandatory goals for disabled veterans for hiring in public projects?

Mr. MILLER of Florida. I do support goals.

Mr. FILNER. You don't support mandatory goals.

Mr. MILLER of Florida. I do support goals.

Mr. FILNER. Do you support mandatory?

Mr. MILLER of Florida. I support creating jobs.

Mr. FILNER. You asked me yes or no, and now you won't say "yes" or "no."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should bear in mind that the official reporters of debate cannot be expected to transcribe two Members simultaneously. Members should not participate in debate by interjection and should not expect to have the reporter transcribe remarks that are uttered when not properly under recognition.

Mr. FILNER. Madam Speaker, I wish you would remind the chair that he asked me a yes or no. I just asked him a yes or no, and he's playing games with words.

I guess it's his time, but I continue to reserve the balance of my time.

Mr. MILLER of Florida. We continue to have no more speakers and would reserve the balance of our time until such time as the minority wishes to close.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California.

Mr. FILNER. I thank the Speaker, and I thank the chairman.

We are good friends, and we have tried to maintain a bipartisan stance, but I disagree with the way this bill is brought forth. We have so many opportunities to increase the jobs for veterans and we're just not taking them. That saddens me. It's not partisan. We can do better. We can do better than this, and we're not taking the opportunity.

And we get all this rhetoric over the taxes, that if you don't extend the Bush tax cuts, that's raising taxes; if you don't extend the lowering of fees, that's a tax increase. Well, here the same thing is being done to a small group of veterans who can't afford it.

I'm sick of this rhetoric, Madam Speaker, that says we can't do any of this, we can't do any of this, we can't do this, we can't tax millionaires, we can't have a balanced approach to balancing the budget, but then we take on veterans who can't afford a home and increase their fees. That, for me, is the definition of hypocrisy, and that's why I'm against the bill.

I yield back the balance of my time.

Mr. MILLER of Florida. Madam Speaker, I thank my good friend from California for the lively debate.

I would remind my colleagues that this piece of legislation did pass out of our committee with bipartisan support, 17-5.

I would like to enter into the RECORD the following letters of support from various organizations:

MILITARY OFFICERS ASSOCIATION  
OF AMERICA,  
Alexandria, VA, July 14, 2011.

Hon. JEFF MILLER,  
Chairman, Committee on Veterans Affairs,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the 370,000 members of the Military Officers Association of America (MOAA), I am writing to thank you for your leadership in introducing H.R. 2433, The Veterans Opportunity to Work Act.

H.R. 2433 would re-open Vietnam Era GI Bill educational benefits to certain veterans who have been chronically unemployed, mandate attendance in the Transition Assistance Program (TAP), require the Defense and Departments of Labor to track outcome measures for TAP participants, re-authorize a pilot program to link military acquired skills to civilian jobs through licensing and certification, and for other purposes.

MOAA recommends including a provision in the bill to require outreach by the VA to unemployed veterans who may be eligible for the GI Bill benefits authorized in Title I of the legislation. We would also recommend adoption of Vocational Rehabilitation and Employment (VRE) program adjustments and other employment-related features in the Hiring Heroes Act of 2011, H.R. 1941.

MOAA pledges its full support for early enactment of H.R. 1941 and respectfully requests including this letter in the record of any hearing to consider or mark-up this important legislation.

Sincerely,

NORB RYAN.

DISABLED AMERICAN VETERANS,  
WASHINGTON, DC, JULY 15, 2011.

Hon. JEFF MILLER,  
Chairman, House Veterans' Affairs Committee,  
Washington, DC.

DEAR CHAIRMAN MILLER: I am writing on behalf of the Disabled American Veterans (DAV), a congressionally chartered national veterans service organization with 1.2 million members, all of whom were disabled as a result of wartime active duty in the United States Armed Forces. The DAV works to build better lives for America's disabled veterans, their families and survivors.

Chairman Miller, we have reviewed your bill, H.R. 2433, the Veterans Opportunity to Work Act of 2011. This bill contains a number of provisions of importance to America's veterans.

Approval of this legislation would make participation in the Transition Assistance Program generally mandatory for all military service members. The bill would mandate that the Department of Labor's (DOL's) licensure and certification demonstration project, which the originating statute only recommended, be carried out in an effort to identify and to eliminate barriers between military training and civilian licensure or credentialing for military occupational specialties. Enactment of the legislation would require DOL, in concert with state workforce agencies, to implement new performance measures to evaluate the priority of services provided to eligible veterans and mandates that Disabled Veterans' Outreach Program Specialists and Local Veterans' Employment Representatives' sole duty will be to assist eligible veterans in finding suitable employment.

Another important provision in this legislation is Section 401, which clarifies the Uni-

formed Services Employment and Reemployment Rights Act (USERRA). While this section stipulates that such protections extend to any advantages earned as a result of employment to include rights and benefits offered by an employer, we respectfully recommend that it be amended to include allowing veterans to seek medical treatment for service-connected conditions in accordance with DAV Resolution 141.

Overall, the Veterans Opportunity to Work Act of 2011 makes important improvements to support veterans transitioning to civilian life, especially those who return with disabilities from their service. DAV supports approval of this legislation and thanks you for your support of disabled veterans.

Sincerely,

JOSEPH A. VIOLANTE,  
National Legislative Director.

IRAQ AND AFGHANISTAN  
VETERANS OF AMERICA,  
July 18, 2011.

Hon. JEFF MILLER,  
House of Representatives,  
Washington, DC.

DEAR CHAIRMAN MILLER: Iraq and Afghanistan Veterans of America (IAVA) is proud to offer our support for H.R. 2433, the Veterans Opportunity to Work Act.

The most pressing concern for new veterans in 2011 is unemployment. With 13.3% unemployment for Iraq and Afghanistan veterans in June 2011 and a rate of 12.3% for the year overall, unemployment is one of the single greatest challenges faced by veterans. Even though employment is a concern for every American in the current economic environment, the average unemployment rate for new veterans is 25 percent higher than the rate for civilians.

H.R. 2433 attacks this problem head on, by making Transition Assistance Programs mandatory, providing veterans with increased job training benefits, studying how military skills translate in to the civilian market, strengthening USERRA and collecting data on the effectiveness of government job training and placement services.

IAVA believes that no veteran should come home to an unemployment check. We are proud to offer our assistance and thank you for this meaningful legislation. If we can be of help, please contact Tom Tarantino, IAVA's Senior Legislative Associate, at (202) 544-7692 or [tom@iava.org](mailto:tom@iava.org).

Sincerely,

PAUL RIECKHOFF,  
Founder and Executive  
Director, Iraq  
and Afghanistan  
Veterans of America  
(IAVA).

PARALYZED VETERANS OF AMERICA,  
July 19, 2011.

Hon. JEFF MILLER,  
Chairman, Committee on Veterans' Affairs,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of Paralyzed Veterans of America (PVA), I would like to offer our support for H.R. 2433, the "Veterans Opportunity to Work Act of 2011." The employment challenges facing average Americans is certainly no secret, but the challenges facing veterans, particularly disabled veterans, are even greater.

PVA appreciates the emphasis placed on improving the Transition Assistance Program (TAP) in this legislation. We also fully support the requirement that participation in the TAP be made mandatory for all service members prior to discharge. Given the difficulty that recently discharged service members have achieving meaningful employment, it only makes sense that they be required to participate in TAP or DTAP.

PVA also fully supports the provisions to require state employment offices receiving federal grants to maintain a full-time Disabled Veterans' Outreach Program (DVOP) specialist and a full-time Local Veterans' Employment Representative (LVER) whose responsibilities are to only serve the employment needs of eligible veterans. Too often, state employment offices take advantage of DVOP and LVER staff to fulfill other requirements not related to serving veterans. This has long been a complaint of veterans' service organizations.

Again, we offer our strong support for H.R. 2433. Meaningful employment is a vital part of improving transition for service members currently serving as well as fulfilling our obligation to the men and women who served in the past.

Sincerely,

CARL BLAKE,  
National Legislative Director.

NATIONAL ASSOCIATION OF REALTORS®,  
Washington, DC, July 21, 2011.

Hon. JEFF MILLER,  
Chairman, House Committee on Veterans Affairs,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the more than 1.1 million members of the National Association of REALTORS®, we thank you for extending the loan limits in H.R. 2433, the "Veterans Opportunity to Work Act of 2011". This legislation provides extensive opportunities for veterans, and will also extend the current loan limits, allowing veterans fair and affordable access to home mortgages.

Since its establishment in 1944, the VA home loan guarantee program has helped millions of veterans purchase and maintain homes. We believe this program is a vital homeownership tool that provides veterans with a centralized, affordable, and accessible method of purchasing homes as a benefit for their service to our nation. The current loan limits, which provide loans up to 125% of local area median price, expire on December 31, 2011. H.R. 2433 would extend these limits through 2014. Veterans in high costs areas should not be penalized for geographic differences in the housing market.

We thank you for including this important provision in your legislation, and stand ready to work with you to see its enactment.

Sincerely,

RON PHIPPS,  
2011 President,  
National Association of REALTORS®.

VETERANS OF FOREIGN WARS OF THE  
UNITED STATES,  
August 1, 2011.

Hon. JEFF MILLER,  
Chairman, House Committee on Veterans Affairs,  
Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the 2.1 million members of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, I am pleased to offer our support for your bill, the Veterans Opportunity to Work Act, H.R. 2433, which offers substantive new programs to help veterans remain competitive in the workforce, and also codifies reporting requirements for government authorities tasked with assisting veterans in finding viable careers.

Your important legislation will extend additional assistance to an oft-overlooked demographic group of veterans who remain unemployed at a time of economic uncertainty. This temporary solution is a responsible stop-gap measure that will help ensure that our nation's heroes can receive the training and skills they need in an ever-evolving civilian job market.

The VFW also supports initiatives in the VOW Act to mandate transition assistance



programs and finally conduct reasonable follow-up with TAP participants, as well as assessment and follow-up for disabled veterans outreach program specialists (DVOPs) and local veterans employment representatives (LVERs), ensuring that each program serves its intended purpose—helping veterans find jobs.

The men and women who serve today are the future leaders of our great nation. They deserve every opportunity to succeed in the civilian workforce. However, the employment climate for veterans—particularly veterans of the current conflicts—is a national embarrassment that demands immediate attention. Thank you for your leadership on this critical issue, and for your continued support of our armed forces and veterans.

Sincerely,

RAYMOND C. KELLEY, DIRECTOR,  
VFW National Legislative Service.

THE AMERICAN LEGION,  
Washington, DC, August 3, 2011.

Hon. JEFF MILLER,  
Chair, House Veterans' Affairs Committee,  
Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the 2.4 million members of The American Legion, I express our full support for H.R. 2433, the Veterans Opportunity to Work Act of 2011 or VOW Act, which makes improvements relating to veterans employment and training.

The Department of Labor reported in June that 1 million veterans were unemployed, and of that million, over 632,000 are between the ages of 35 and 64. Our membership includes working age veterans of the Vietnam and Persian Gulf War eras, as well as, of the conflicts of Iraq and Afghanistan. We are acutely concerned with the unemployment of all veterans.

Veterans separating now from the military may go to school on the Post 9/11 GI Bill; however, veterans of prior conflicts have no similar opportunity. Consequently, we applaud your efforts with this bill to provide a time-limited educational benefit to unemployed veterans aged 35 to 60 at community colleges and technical training schools. These institutions should provide enrolled veterans with the training and skills necessary to compete in the today's economy. We also support the other provisions that will improve the Transition Assistance Program and will ease regulatory impediments to licensing and certification. The American Legion believes this bill will improve the employment outlook for all veterans that participate in these programs.

The American Legion welcomes your efforts to provide training assistance to veterans and reduce their unacceptably high unemployment and we stand ready to assist you in the passage of this vital legislation. Thank you for your support of America's veterans and their families.

Sincerely,

JIMMIE L. FOSTER,  
National Commander.

THE MILITARY COALITION,  
Alexandria, VA, August 3, 2011.

Hon. JEFF MILLER,  
Chairman, Committee on Veterans Affairs,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: The Military Coalition (TMC), a consortium of uniformed services and veterans associations representing more than 5.5 million current and former servicemembers and their families and survivors, is writing to thank you for your leadership in introducing H.R. 2433, the Veterans Opportunity to Work Act of 2011.

H.R. 2433 would re-open Vietnam Era GI Bill educational benefits to certain veterans who have been chronically unemployed,

mandate attendance in the Transition Assistance Program (TAP), require the Department of Defense and the Department of Labor to track outcome measures for TAP participants, re-authorize a pilot program to link military acquired skills to civilian jobs through licensing and certification, and for other purposes.

TMC recommends including a provision in the bill to require outreach by the VA to unemployed veterans who may be eligible for the GI Bill benefits authorized in Title I of the legislation. We would also recommend extension and improvement of Vocational Rehabilitation and Employment (VRE) program benefits provided for in similar legislation pending before your Committee such as the Hiring Heroes Act of 2011.

Our veterans have put their lives on the line to protect the freedom we sometimes take for granted. They have the skills, discipline and talent to succeed in the marketplace but may encounter unique challenges in finding meaningful employment or starting a business. The Veterans Opportunity to Work Act will help our nation's veterans gain the skills and knowledge they need to compete for meaningful jobs.

The Military Coalition endorses H.R. 2433, the Veterans Opportunity to Work Act of 2011 and pledges our collective efforts to see it enacted this year.

Sincerely,

THE MILITARY COALITION

Air Force Sergeants Association (AFSA); Air Force Women Officers Associated; AMVETS; Army Aviation Assn. of America; Assn. of Military Surgeons of the United States; Assn. of the US Army; Association of the United States Navy; Commissioned Officers Assn. of the US Public Health Service, Inc.; CWO & WO Assn. US Coast Guard; Enlisted Association of the National Guard of the US; Fleet Reserve Assn.

Gold Star Wives of America; Inc.; Iraq & Afghanistan Veterans of America; Jewish War Veterans of the USA; Marine Corps League; Marine Corps Reserve Association; Military Officers Assn. of America; Military Order of the Purple Heart; National Association for Uniformed Services; National Guard Assn. of the US; National Military Family Assn.

Naval Enlisted Reserve Assn.; Non Commissioned Officers Assn. of the United States of America; Reserve Enlisted Assn. of the US; Reserve Officers Assn.; Society of Medical Consultants to the Armed Forces; The Military Chaplains Assn. of the USA; The Retired Enlisted Assn.; USCG Chief Petty Officers Assn.; US Army Warrant Officers Assn.; Veterans of Foreign Wars of the US; Vietnam Veterans of America.

NATIONAL ASSOCIATION  
FOR UNIFORMED SERVICES,  
Springfield, VA, August 15, 2011.

Hon. JEFF MILLER,  
Chairman, Committee on Veterans Affairs,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the members and supporters of the National Association for Uniformed Services (NAUS), I am honored to pledge our full support for your bill, the Veterans Opportunity to Work Act, H.R. 2433.

The numbers of unemployed veterans reported by the Department of Labor in June, was not only shocking but also very disappointing. Over a million veterans looking for work with the newest veterans, those from the Iraq and Afghanistan conflicts, with a higher unemployment rate than the general populace.

We are heartened to see your commitment to extending every possible form of help to veterans in finding gainful employment. We

depended on them to defend and protect our way of life and now it is time for the country to honor and assist those same brave men and women.

We stand by to assist you in any way possible to ensure that this bill quickly moves forward to alleviate the suffering that goes with not having a job.

Thank you for your continued support of our active duty troops, our veterans and their families and survivors.

Sincerely,

RICHARD A. JONES,  
Legislative Director.

OCTOBER 11, 2011.

Hon. JEFF MILLER,  
Chairman, House of Representatives Committee  
on Veterans Affairs, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of AMVETS (American Veterans), I am writing to you to urge the swift, bi-partisan passage today of the following bills:

H.R. 2433—Veterans Opportunity to Work Act of 2011, as amended (Sponsored by Rep. Jeff Miller/Veterans' Affairs Committee)

H.R. 2074—Veterans Sexual Assault Prevention Act, as amended (Sponsored by Rep. Ann Marie Buerkle/Veterans' Affairs Committee)

H.R. 2349—Veterans' Benefits Training Improvement Act of 2011 (Sponsored by Rep. Jon Runyan/Veterans' Affairs Committee)

H.R. 1263—To amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures (Sponsored by Rep. Bob Filner/Veterans' Affairs Committee)

H.R. 1025—To amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law (Sponsored by Rep. Timothy Walz/Veterans' Affairs Committee)

These bills are all critically important in ensuring veterans have timely, high-quality, equal access to VA care and benefits, as well as gainful, living-wage employment and/or re-employment.

Through our close work with both the VA and Congress over the past several years, AMVETS has done everything in its power to assist in removing these injustices which adversely impact our men and women in uniform, especially the members of the National Guard.

Now is the time for the action that only you, the members of the 112th Congress, can provide our veterans. The long-awaited and much needed passage of the aforesaid legislation will remove all of the obstacles and injustices veterans are continuing to experience under the status quo. AMVETS, the VSO and veteran's communities look to your leadership to finally close these loopholes to care and earned benefits.

Please be assured of our ongoing support of all veteran issues and feel free to call on us if you could benefit from our military expertise.

Sincerely,

DIANE M. ZUMATTO,  
National Legislative Director,  
AMVETS.

GENERAL LEAVE

Mr. MILLER of Florida. I also ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 2433, 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. I once again encourage all Members to support this

legislation, and I yield back the balance of my time.

□ 1440

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. 2433, 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.

Mr. FILNER. Madam 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.

# VETERANS SEXUAL ASSAULT PREVENTION AND HEALTH CARE ENHANCEMENT ACT

Mr. MILLER of Florida. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2074) to amend title 38, United States Code, to require a comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents that occur at medical facilities of the Department of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2074

*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 "Veterans Sexual Assault Prevention and Health Care Enhancement Act".

## SEC. 2. COMPREHENSIVE POLICY ON REPORTING AND TRACKING SEXUAL ASSAULT INCIDENTS AND OTHER SAFETY INCIDENTS.

(a) POLICY.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following:

### "§ 1709. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents

"(a) POLICY REQUIRED.—Not later than March 1, 2012, the Secretary of Veterans Affairs shall develop and implement a centralized and comprehensive policy on the reporting and tracking of sexual assault incidents and other safety incidents that occur at each medical facility of the Department, including—

"(1) suspected, alleged, attempted, or confirmed cases of sexual assault, regardless of whether such assaults lead to prosecution or conviction;

"(2) criminal and purposefully unsafe acts;

"(3) alcohol or substance abuse related acts (including by employees of the Department); and

"(4) any kind of event involving alleged or suspected abuse of a patient.

"(b) SCOPE.—The policy required by subsection (a) shall cover each of the following:

"(1) For purposes of reporting and tracking sexual assault incidents and other safety incidents, definitions of the terms—

"(A) 'safety incident';

"(B) 'sexual assault'; and

"(C) 'sexual assault incident'.

"(2) The development and use of specific risk-assessment tools to examine any risks

related to sexual assault that a veteran may pose while being treated at a medical facility of the Department, including clear and consistent guidance on the collection of information related to—

"(A) the legal history of the veteran; and

"(B) the medical record of the veteran.

"(3) The mandatory training of employees of the Department on security issues, including awareness, preparedness, precautions, and police assistance.

"(4) The mandatory implementation, use, and regular testing of appropriate physical security precautions and equipment, including surveillance camera systems, computer-based panic alarm systems, stationary panic alarms, and electronic portable personal panic alarms.

"(5) Clear, consistent, and comprehensive criteria and guidance with respect to an employee of the Department communicating and reporting sexual assault incidents and other safety incidents to—

"(A) supervisory personnel of the employee at—

"(i) a medical facility of the Department;

"(ii) an office of a Veterans Integrated Service Network; and

"(iii) the central office of the Veterans Health Administration; and

"(B) a law enforcement official of the Department.

"(6) Clear and consistent criteria and guidelines with respect to an employee of the Department referring and reporting to the Office of Inspector General of the Department sexual assault incidents and other safety incidents that meet the regulatory criminal threshold in accordance with section 1.201 and 1.204 of title 38, Code of Federal Regulations.

"(7) An accountable oversight system within the Veterans Health Administration that includes—

"(A) systematic information sharing of reported sexual assault incidents and other safety incidents among officials of the Administration who have programmatic responsibility; and

"(B) a centralized reporting, tracking, and monitoring system for such incidents.

"(8) Consistent procedures and systems for law enforcement officials of the Department with respect to investigating, tracking, and closing reported sexual assault incidents and other safety incidents.

"(9) Clear and consistent guidance for the clinical management of the treatment of sexual assaults that are reported more than 72 hours after the assault.

"(c) UPDATES TO POLICY.—The Secretary shall review and revise the policy required by subsection (a) on a periodic basis as the Secretary considers appropriate and in accordance with best practices.

"(d) ANNUAL REPORT.—(1) Not later than 60 days after the date on which the Secretary develops the policy required by subsection (a), and by not later than October 1 of each year thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the House of Representatives and the Committee on Veterans' Affairs of the Senate a report on the implementation of the policy.

"(2) The report under paragraph (1) shall include—

"(A) the number and type of sexual assault incidents and other safety incidents reported by each medical facility of the Department;

"(B) a detailed description of the implementation of the policy required by subsection (a), including any revisions made to such policy from the previous year; and

"(C) the effectiveness of such policy on improving the safety and security of the medical facilities of the Department, including the performance measures used to evaluate such effectiveness.

"(e) 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 amended by adding after the item relating to section 1708 the following:

"1709. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents."

(c) INTERIM REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the House of Representatives and the Committee on Veterans' Affairs of the Senate a report on the development of the performance measures described in section 1709(d)(2)(C) of title 38, United States Code, as added by subsection (a).

## SEC. 3. INCREASED FLEXIBILITY IN ESTABLISHING PAYMENT RATES FOR NURSING HOME CARE PROVIDED BY STATE HOMES.

(a) IN GENERAL.—

(1) CONTRACTS AND AGREEMENTS FOR NURSING HOME CARE.—Section 1745(a) of title 38, United States Code, is amended—

(A) in paragraph (1), by striking "The Secretary shall pay each State home for nursing home care at the rate determined under paragraph (2)" and inserting "The Secretary shall enter into a contract (or agreement under section 1720(c)(1) of this title) with each State home for payment by the Secretary for nursing home care provided in the home"; and

(B) by striking paragraph (2) and inserting the following new paragraph (2):

"(2) Payment under each contract (or agreement) between the Secretary and a State home under paragraph (1) shall be based on a methodology, developed by the Secretary in consultation with the State home, to adequately reimburse the State home for the care provided by the State home under the contract (or agreement)."

(2) STATE NURSING HOMES.—Section 1720(c)(1)(A) of such title is amended—

(A) in clause (i), by striking "and" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting "and"; and

(C) by adding at the end the following new clause:

"(iii) a provider of services eligible to enter into a contract pursuant to section 1745(a) of this title who is not otherwise described in clause (i) or (ii)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to care provided on or after January 1, 2012.

## SEC. 4. REHABILITATIVE SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) REHABILITATION PLANS AND SERVICES.—Section 1710C of title 38, United States Code, is amended—

(1) in subsection (a)(1), by inserting before the semicolon the following: "with the goal of maximizing the individual's independence";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting "(and sustaining improvement in)" after "improving";

(ii) by inserting "behavioral," after "cognitive";

(B) in paragraph (2), by inserting "rehabilitative services and" before "rehabilitative components"; and

(C) in paragraph (3)—

(i) by striking "treatments" the first place it appears and inserting "services"; and

(ii) by striking "treatments and" the second place it appears; and