

Any record vote on the postponed question will be taken later.

DEPARTMENT OF VETERANS AFFAIRS MANAGEMENT ACCOUNTABILITY ACT OF 2014

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4031) to amend title 38, United States Code, to provide for the removal of the Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4031

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 “Department of Veterans Affairs Management Accountability Act of 2014”.

SEC. 2. REMOVAL OF SENIOR EXECUTIVE SERVICE EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS FOR PERFORMANCE.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new section:

“§713. Senior Executive Service: removal based on performance

“(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may remove any individual from the Senior Executive Service if the Secretary determines the performance of the individual warrants such removal. If the Secretary so removes such an individual, the Secretary may—

“(1) remove the individual from Federal service; or

“(2) transfer the individual to a General Schedule position at any grade of the General Schedule the Secretary determines appropriate.

“(b) NOTICE TO CONGRESS.—Not later than 30 days after removing an individual from the Senior Executive Service under paragraph (1), the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives notice in writing of such removal and the reason for such removal.

“(c) MANNER OF REMOVAL.—A removal under this section shall be done in the same manner as the removal of a professional staff member employed by a Member of Congress.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“713. Senior Executive Service: removal based on performance.”

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

The Chair recognizes the gentleman from Florida.

□ 1300

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 4031.

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

There was no objection.

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

Mr. Speaker, for the past 3 years, the House Committee on Veterans’ Affairs has uncovered, and continues to uncover, numerous instances of gross negligence and incompetence by senior VA officials that have led to delays in care, growing patient wait times, and lengthy backlogs of disability claims. Regrettably, some of these instances have resulted in lack of proper care for veterans and for preventable deaths.

Despite repeated promises of accountability and change, the committee has received nothing but disturbing silence from the White House and only one excuse after another from the Department of Veterans Affairs.

Mr. Speaker, we have all seen the heartbreaking news or spoken personally to family after family coming forward, sharing their stories of how the VA has failed to fulfill their promise to our veterans. The time is past due for us, as the House of Representatives, to take action.

The troubling stories that have come out of Phoenix, Arizona, where whistleblowers allege that as many as 40 veterans died while waiting for care and alleged secret waiting lists are unconscionable if in fact proven true. We would not be doing our sworn duty if we sat idly by and allowed these preventable deaths of those who made sacrifices for this great country to become the status quo at the VA.

Unfortunately, Mr. Speaker, these incidents do not seem to be isolated. They are under the watch of not just one senior VA manager. Similar stories of mismanagement and negligence have arisen in Fort Collins, Colorado; San Antonio, Texas; Augusta, Georgia; Atlanta, Georgia; Memphis, Tennessee; Columbia, South Carolina; Pittsburgh, Pennsylvania; Chicago, Illinois, with news stories being covered almost every single day.

Mr. Speaker, these stories were crystallized for me and other Members at a recent hearing that we had on patient wait times on April 9. Mr. Barry Coates, a veteran from Columbia, South Carolina, informed the committee that he waited almost a year to receive a colonoscopy at VA. When he finally received his appointment, it was revealed that he had stage IV colon cancer.

Mr. Coates testified: “The gross negligence and crippling backlog epidemic of the VA health care system has not only handed me a death sentence, but ruined my quality of life.”

Mr. Speaker, the need for accountability to help veterans like Mr. Coates is the reason why H.R. 4031 is so critically important. The VA Management Accountability Act of 2014 would give the Secretary the authority to fire or to demote VA Senior Executive Service or equivalent employees based on performance at any time. The current system is so calcified in bureaucratic red

tape that it is easier for someone to get a bonus than it is to be given some type of discipline at the Department of Veterans Affairs.

Is this what our citizens want? Is this what our veterans deserve? I don’t think so, and neither do the 150 bipartisan cosponsors of this piece of legislation or the leading VSOs that support it.

Now, the actions of these few senior executives do not tarnish the hard work of 300,000 frontline VA employees who come to work every day and by and large provide excellent care and services to our veterans. Too many of these employees have in fact been continually let down by poor-performing senior executives. It is time to restore their trust and America’s trust in the leadership at VA.

Look, General Shinseki is a good man. He wants to hold others accountable, but he is being held back by a failed civil service that makes it nearly impossible to remove SES employees. If this bill becomes law, he and his successors will have no excuse. He will have every tool to hold managers accountable and restore faith in the VA.

I am truly grateful to the 150 sponsors from both sides of the aisle of this vital piece of legislation.

I also want to thank the following VSOs, veterans service organizations, who have tirelessly advocated on behalf of this bill, including the American Legion, Concerned Veterans for America, IAVA, AMVETS, the Reserve Officers, Vietnam Veterans of America, and the Military Officers Association of America.

Finally, I thank Leader CANTOR and Speaker BOEHNER for their help in bringing this bill to the floor.

Mr. Speaker, it is time that VA’s status quo is upended, which is why I believe this bill, the House’s earlier action this year to suspend VA bonuses for 5 years, and my call on President Obama to establish a bipartisan VA medical care access commission is crucial to getting a resolution to this problem.

I believe the question presented before each Member here today is very clear: Do you stand with our veterans or do you stand with a bureaucratic-entrenched failing system?

I urge all of my colleagues to support H.R. 4031 and maintain our promises to our veterans and their families.

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

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

Mr. Speaker, I rise today in support of our Nation’s veterans and in support of action that will fundamentally address the systematic failures that are clearly occurring across the Department of Veterans Affairs. I reluctantly support this legislation because I believe we owe it to the brave men and women who have sacrificed so much for our Nation to do everything in our power to ensure the VA is accountable for its performance.

I share with the gentleman from Florida (Mr. MILLER), my good friend and colleague, fundamental goals of addressing shortcomings in VA leadership. I am proud of our bipartisan working relationship. Not only does our working together usually allow us to get more done, but I believe it makes our efforts better.

I am disappointed, however, that the House Committee on Veterans' Affairs was not given the opportunity to consider this bill. I believe that members of the committee, Republicans and Democrats, could have improved this bill before it was brought to the floor. I believe this bill would be stronger and more reflective of the substantive reforms necessary in the Department if it had been allowed to go through the committee markup process.

H.R. 4031 has been put forth as an accountability bill, but it falls short of providing substantive beneficial changes in the VA's executive performance management system.

The Secretary of the Department of Veterans Affairs already has the authority to fire any employee, including executives who are not doing their job. This bill will simply turn approximately 400 senior executive civil service positions across the VA into essentially at-will positions, of which 165 are in the Veterans Health Administration.

More importantly, H.R. 4031 does not adequately address the performance metrics of VA executives. It doesn't provide any framework for ensuring problems and failures don't occur in the first place.

I introduced H.R. 4399, which the American Legion also supports, which establishes upfront organizational goals and expected outcomes for veterans that every single VA senior leader must deliver. It would require these goals and their outcomes to be the driving factor in performance assessment for these executives and the basis for any awards or bonuses.

This bill before us today does not address the senior physicians and dentists, known as title 38 employees, who receive executive-level pay and have organizational-level responsibility for veteran care and services. This is important because one of the executives implicated in manipulating the wait times in Phoenix was a title 38 employee, which this bill does not cover that we are voting on today. So the very individual responsible for the catastrophic failures that we have seen across the VA recently may not even be impacted by the current legislation that we are dealing with.

My bill, H.R. 4399, does address title 38 physicians and dentists, which covers approximately 80,000 employees within the VA, title 38 employees, mandating standardized, rigorous performance management tools that hold employees accountable and justifies any performance pay.

Finally, my bill would prohibit one of the most egregious examples of the failure of the current system as it ap-

plies to title 38 employees. A doctor was provided partial performance pay even though he had failed to maintain a current license. That is correct. He received partial performance pay even though he failed to maintain a current license, because maintaining a valid license was not one of his performance objectives. This bill that we are dealing with today does not address that issue.

Good policy, good legislation comes from conversation, collaboration, and compromise. I am supporting moving this bill forward today because I believe we need to begin this discussion as how to best ensure VA employees are held accountable when they fail to perform.

Let me be clear. We can and we must do more to ensure that our veterans get the quality services that they deserve and have earned. I am hopeful that we can have the necessary dialogue in conference to ensure that any bill that we send to the President is a more comprehensive reform measure that is well-considered and actually has the desired and needed impact of changing the VA and ensuring the best outcomes for our Nation's veterans.

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

Mr. MILLER of Florida. The best way to reform the VA is to get rid of the deadwood, and that is what this bill actually gives the Secretary the opportunity to do, and that is to fire the people that aren't doing their job, especially—especially—those that are at the senior level.

With that, I yield 1 minute to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Speaker, I rise today on behalf of my constituents and veterans who are alarmed at recent reports of preventable deaths, manipulated records, and secret waiting lists within the VA health care system. These allegations span the country and have recently arisen in Colorado at the Fort Collins VA clinic. If these allegations are found to be true, the responsible individuals must be held accountable. It is unacceptable for individuals who have presided over negligence and mismanagement to go unscathed.

Astonishingly, past instances of similar failures have not only seen responsible individuals remain employed by the VA, but they have even been rewarded for their leadership failures in the form of bonuses and positive performance reviews. This only promotes the continuation of poor management, negligence, and possible preventable deaths.

This bill would help ensure that these trends do not continue by giving the Secretary of the VA the authority to remove or transfer senior executives of the VA. I ask for support of this bill.

Mr. MICHAUD. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. DAVID SCOTT).

Mr. DAVID SCOTT of Georgia. Mr. Speaker, the issue here before us on this bill—and first let me say I am a

proud cosponsor of this bill to replace and be able to fire people. The problem is the first person we need to fire is the Secretary of Veterans Affairs, Mr. Shinseki himself. Now, we respect him; we respect his sacrifice for this country and everything else, but the buck stops at the top.

□ 1315

Here are the facts: 5,600 veterans are committing suicide every year. That is almost 20 every day under his watch—under his watch. In my own hospital in Atlanta, four of our soldiers committed suicide in the hospital, and the inspector general of the VA laid the blame directly at the foot of the VA administration for the lack of management of the death of these soldiers.

When Chairman MILLER and I went down and visited them, we asked: Is there one more, are there any more that have committed suicide? No, there have been no more. And they told a damn lie, because the very next day it was exposed there was another soldier that committed suicide and they covered it up.

This has been a pattern that has been going on ever since General Shinseki has been the chairman there. I respect a sacrifice, I respect what he did, but it is under his watch that we are in this situation in the hospital out in the western part of this country where The Washington Post has accurately reported that 40 of our soldiers lost their lives, died because they couldn't get service. Our veterans are the heart and soul of this country, they are precious, and we must not turn our back on them.

I listened to the President today, and I was very disappointed with President Obama today. There was no urgency. Mr. President, we need urgency. We need you to roll up our sleeves and get into these hospitals. We need you to set a pattern that if the VA hospitals can't handle it, let's give partnerships to some of the Republicans and the other public hospitals.

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

Mr. MICHAUD. I yield 30 seconds to the gentleman from Georgia.

Mr. DAVID SCOTT of Georgia. God bless you, because there are things I want to say.

Reports are out that the taxpayers are going to have to pay or have paid \$1 billion for medical malpractice. A reputable news organization, Cox Media's WSB Television down in Atlanta, it went all over this country: \$1 billion the taxpayer paying because the VA cut off the wrong arm, cut off the wrong leg, the wrong testicle, the wrong kidney.

Let me tell you all something, folks. Time—that is what I was just so disturbed about—we don't have time for any more investigations. The reports are in.

Jesus Christ himself said: There is no more greater sacrifice than to give your life for your friend. Our soldiers

have given their lives on the battlefield for them. We need to give our lives up here and give our veterans the respect that they deserve.

The SPEAKER pro tempore. All Members are reminded to refrain from using profanity in debate.

Mr. MILLER of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Michigan, Dr. BENISHEK, a former doctor within the Department of Veterans Affairs, somebody who serves his subcommittee as chairman of the Health Subcommittee very well.

Mr. BENISHEK. Mr. Speaker, I thank the chairman.

Mr. Speaker, in the real world, if you fail to do your job, you get fired. Not at the VA.

Today, I rise in support of H.R. 4031, the Department of Veterans Affairs Management Accountability Act. I am proud to be an original cosponsor of this bill because it simply allows the Secretary to fire senior VA executives when they fail to do their job.

I am sick and tired of hauling VA officials in front of the committee to hear tired excuses and explanations. President Obama has allowed the VA leadership to operate without accountability. Veterans are dying. The time for excuses has passed. The time for taking action to fix these problems is now.

This legislation is just the beginning. Severe mismanagement at the VA will not be tolerated by me or this Congress. We will overturn every rock and use every tool at our disposal in the pursuit of the truth of what is happening at the VA.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes to the gentlelady from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, as a senior member of the House Veterans' Affairs Committee, I have been on this committee for 21 years. I strongly support Secretary Shinseki and his leadership of the Department of Veterans Affairs.

It is very important as we go into Memorial Day that we let the veterans know that we appreciate their service. We also need to let them know that we are going to do all we can to make sure they have the quality health care that they deserve.

The VA operates 1,700 sites of care and conducts 85 million appointments each year, which comes to 236,000 health care appointments each day.

The latest American Customer Satisfaction Index, an independent customer service survey, ranked VA customer satisfaction at 95 percent among VA patients, among the best in the Nation and equal to or better than any private sector hospital.

Since its peak in March of 2013, the VA has reduced the benefits claims backlog by 50 percent, on track to eliminate the backlog in 2015. VA also implemented an automatic electric claims processing system to better serve veterans into the future. In 2013, VA paid out \$66 billion in compensa-

tion claims to 4.5 million eligible veterans. Under the leadership of the Secretary, we also expand access to earned benefits for veterans of all eras.

In addition, VA granted presumption of service connection for three Agent Orange-related conditions. Let me just say that for years the veterans in this category have been trying to get assistance from the VA and they were denied. This Secretary stepped up to the plate and let all of those veterans come in, millions of additional veterans.

Since 2009, VA has reduced the estimated number of homeless veterans. We have been trying to get them to do that since day one over 22 years ago, but this Secretary has reduced it by 24 percent. They have conducted over 6 million clinical visits with over 600,000 veterans who were homeless or at risk of homelessness, including the formerly homeless. In 2013 alone, VA served more than 240,000 veterans who were homeless.

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

Mr. MICHAUD. I yield an additional 30 seconds to the gentlewoman.

Ms. BROWN of Florida. In closing, the VA is like a big ship, one that I have been working on for 22 years—slow to turn. But under the leadership, the Democratic leadership and the Republican leadership, we have funded the largest VA budget increase in the history of the United States. Like the first President said: We must make sure that the VA does what it can to serve those veterans and give them the service we demand. God bless America and continue to bless the veterans who have served America.

Mr. MILLER of Florida. Mr. Speaker, I would add another statistic to those that my colleague from Florida just said. There have been 23—at least 23 preventable deaths within the Department of Veterans Affairs.

I yield 1 minute to the gentleman from Colorado (Mr. COFFMAN), my friend, the chairman of the O&I Subcommittee.

Mr. COFFMAN. Mr. Speaker, I rise in strong support of H.R. 4031 because I believe that systemic failures of the VA exist far beyond the issue of appointment wait times.

My subcommittee on VA Oversight and Investigations continues to uncover countless failures of leadership at the VA. This lack of leadership is the driving force behind the unacceptable delays and cost overruns in major VA construction projects, the tremendous backlog of veterans' disability claims, and the horrendous patient care practices that have resulted in preventable patient deaths.

The individuals with responsibility and authority in the VA are unable to lead and, as a result, our veterans have suffered.

It is time to usher in a new era of accountability at the VA, and I urge my colleagues to support the Department of Veterans Affairs Management Accountability Act of 2014.

Mr. MICHAUD. Mr. Speaker, at this time, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, it is an honor to stand on this floor in the midst of Military Appreciation Month and be from a State that had the highest numbers of young men and women returning from Afghanistan and Iraq, comparing to States like California and certainly some others. We are grateful for all, in all States, who have gone and put on the uniform unselfishly and stood in the line of danger for us.

Let me thank the Veterans' Affairs Committee of this Congress. I have never seen a more bipartisan and dedicated group of men and women. If the committee was opened up to all of us, we would all stand up and serve.

Today, as a family in the United States Congress, we have a problem. We have a disease problem, whether it is a heart attack or stroke or cancer, or whether or not it is the terrible injuries of war, posttraumatic stress disorder, or those who have lost limbs, who have suffered traumatic brain injury. We have men and women who have worked, and our veterans have now come in their later years who suffer the illnesses of age.

All of us will take our fist and bang on this podium to be able to say that they are first and our priority. No one counters or accepts the death of those that may have died in Texas, died in Arizona, or places elsewhere.

If this is a measure to begin that healing, to give the Secretary the ability to be able to focus in on those beyond the surgeons that are in the operating rooms, the nurses that I visit with along the hallways when I go to the veterans hospital in my area, then we should go forward.

I stand with this legislation working toward making the system work. I want to make it work by curing the systemic and the problematic way that we have veterans wait on services. Let's cut it out, cut the red tape out. Embrace them this weekend, one of the most emotional days we serve with our veterans, and tell them we will not rest until we answer the concerns of families, until we pray over those who have lost their lives, until we cure this, not by one person or another. They may have to go, but let's fix the system that they will have no waiting time when they come with lung cancer or last stage, with their life to be extended if they just get in the door. I want all of them to be able to get in the door and to use those resources that we have expended, those large numbers that my colleague and friend from Florida, both from Florida, and from Maine, have spoken about, and we use those resources to break the barrier of confusion and red tape, and when they walk through those doors someone says: Come in, we are ready to serve.

Mr. MILLER of Florida. Mr. Speaker, I yield 1 minute to the gentlelady from

Indiana (Mrs. WALORSKI), a very capable member of the VA committee.

Mrs. WALORSKI. Mr. Speaker, I want to thank Chairman MILLER for his work to reform this mismanaged Department.

Our Nation's veterans and their families never hesitated to respond to the call to serve their country. Recent news reports of VA mismanagement across this country are disgusting and disgraceful. We know of dozens of wrongful deaths that were due to VA negligence, including 13 in my State of Indiana.

Senior executives who oversee this negligence are more likely to receive a bonus than to receive punishment. We cannot let this continue.

This bill would give the VA Secretary authority to fire senior employees responsible for failures within the Department.

I urge my colleagues to vote "yes" on this bill, and I will continue to do my part on the oversight and fighting for the Nation's 23 million veterans.

I also call on the Senate today to bring greater accountability and transparency to the VA by passing the numerous bipartisan bills that have left this House, including this one, that could be stalled in the Senate. Our veterans deserve nothing but the best.

□ 1330

Mr. MICHAUD. May I inquire from the Speaker how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Maine has 5½ minutes remaining, and the gentleman from Florida has 10 minutes remaining.

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

Mr. MILLER of Florida. Mr. Speaker, it is now my pleasure to yield 1 minute to the gentleman from Florida (Mr. JOLLY). He is the newest member on the VA Committee, somebody who just came to Congress, but who, as a staff member, had been an advocate for veterans prior to his arrival here.

Mr. JOLLY. Thank you, Mr. Chairman.

Mr. Speaker, I rise today in support of this legislation, but also out of great concern for the shocking developments that we have learned of within the VA health care system. Perhaps more importantly today, after hearing the President's press conference, I rise out of concern over the complete failure of our President to address this issue.

The VA health care system is experiencing an historic crisis; yet, today, the President's solution seems to be business as usual bureaucracy. The President has done nothing to ensure that we, as a Nation, immediately address the systemic problems within the VA system or to address the threat to human life that has been created by incidents of bureaucratic incompetence.

Earlier today, the President spoke rhetorically about unacceptable wait times for veterans, but he did nothing to address the American people's wait

time for this administration to solve this problem now. It has been 23 days, and there is no sense of urgency.

What we heard today was of more bureaucracy, more investigations, more studying of the issue, and ultimately, a continuation of business as usual until the President and his Secretary determine in due time when they will act.

He spoke of holding personnel accountable, but he never once spoke of terminating personnel. That is why I rise today to support this legislation.

Mr. MICHAUD. Mr. Speaker, I now yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I rise in opposition to this legislation, and I urge my Members to vote against it. I don't know that they will, but I urge them to do so.

All of us in this body need to be for accountability. None of us in this body, however, ought to be for turning a civil service system into a patronage system. None of us ought to be for turning a civil service system—one of the best in the world, if not the best in the world—into a system which allows for no reason that needs to be articulated to turn senior executives into at-will employees.

I am disappointed that this bill has been brought to the floor with little notice and with no markup in committee. We talk about considered judgment. We talk about thoughtfulness. We talk about reading the bills. Then we bring them to the floor without hearings.

We must ensure that those who serve our veterans in the VA system do so with accountability and oversight. All of us are outraged at the allegations that have been made. Not one of us should step back and say we should not respond vigorously to the offenses that have allegedly taken place because, if the allegations are true, heads ought to roll, period; but that is not what this legislation is about.

This legislation is about a knee-jerk reaction to a bad situation, painted with a very broad brush, and undermining a system that can work, has worked, and has the mechanism to work.

I cannot support this bill as written, and I believe it opens the door to a slippery slope of undoing the careful civil service protections that have been in place for decades. This is about due process.

Now, due process is put under stress at critical times. Pursuing due process at times when there is no stress is not difficult. The test of a society is whether, at times of stress, it can follow due process and the law. This bill does not provide for that.

With regard to protections that have been put in place for decades to ensure that politically appointed managers cannot fire nonpolitical senior executives in Federal service without proper cause, neither party ought to be for that. The civil service reforms adopted decades ago were there for a purpose.

As a result, Mr. Speaker, I rise in opposition, and I urge my colleagues to vote against this premature and not-thought-out piece of legislation.

Mr. Speaker, I am disappointed that Republicans brought this bill to the floor with little notice and no markup in committee.

We must ensure that those who serve our veterans in the VA system do so with accountability and oversight, especially in light of recent allegations of misconduct at certain VA offices.

However, I cannot support this bill as written, and I believe it opens the door to a slippery slope of undoing the careful civil service protections that have been in place for decades to ensure that politically appointed managers cannot fire non-political senior executives in federal service without proper cause. Already, the Secretary has the power to remove employees who are not performing their jobs properly—and it is a power he employs whenever called for.

I will continue to stand up for our Nation's veterans and work to ensure they receive the benefits and care they have earned through their service.

I hope that the Congress and Administration can work together in a bipartisan way over the coming weeks to ensure the egregious behavior that has been reported is never repeated and that any VA officials proven to have acted inappropriately continue to be held accountable—without undermining the Civil Service System that has served us so well for so long.

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

We have just been told that this is a knee-jerk reaction to a crisis. It is the only action to a crisis.

The President, for 3 weeks, has said nothing until today. He still said nothing today. The Secretary has not been involved. We have to take care of the veterans we have fighting for our freedoms every single day.

Nothing in this bill takes away the recruitment process through SES, and if the Secretary does fire somebody or demote somebody because of this law, he has to provide notice to Congress within 30 days. If you don't do your job, you get fired.

I yield 1 minute to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. I thank the chairman.

Mr. Speaker, let me tell you that, when I first got here, people said: KELLY, you expect the government to work as a business. I said: No, no, no, that is not true because there is no way any business can work as the government works.

This bill is a commonsense way of taking care of people who don't perform at a level that is expected. The taxpayers—the citizens of this country—should expect nothing less and to be constantly told that, gee, you can't touch these folks even if they perform so badly—and, instead of doing that, we give them a bonus—that doesn't make sense.

Accountability is absolutely needed at this time. We give people authority. We give people responsibility. When

they don't do their jobs, they need to be held accountable for it.

I represent not only the State of Pennsylvania, but over 1 million Pennsylvanians who are veterans. If we can't fix this now with a commonsense approach, then—my goodness—what are we doing on the floor of this great House?

This just makes sense. I thank the chairman for bringing it forward. It is long overdue, and it needs to be done now.

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

Mr. MILLER of Florida. Mr. Speaker, I now yield 1 minute to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Thank you, Mr. Chairman.

Mr. Speaker, I join my colleagues today in supporting H.R. 4031, which brings sorely needed accountability to the Department of Veterans Affairs.

The President said, today, that he would hold those accountable who are responsible for the wrongdoing at the VA, but we have heard that tune before. As a candidate, the President denounced delays and poor care at VA facilities.

He pledged to build a 21st century VA and to confront what he called the broken bureaucracy of the VA. We can hope to hear more than platitudes here in the near future, but I am a little skeptical.

The President has done very little to hold this VA staff accountable, and now, we have seen the deadly consequences of the broken VA system in Arizona. Like other administration staff who have violated the law, those responsible for these acts are simply on paid leave.

Unfortunately, the VA's problems are not unique to Arizona. With VA employees actually coming forward in helping us to expose these problems, we have learned of similar efforts to conceal huge problems at the Oakland VA regional office, including cooked books, hidden files, and a refusal to meet veterans' needs.

Some bureaucrats seem more interested in receiving bonuses than in serving our veterans. It is time for that to end. Mr. Speaker, we need to do this now. Pass H.R. 4031.

Mr. MICHAUD. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, at this time, I yield 1 minute to the gentleman from the 12th District of Pennsylvania (Mr. ROTHFUS), who has been very involved in issues as they relate to Pittsburgh.

Mr. ROTHFUS. Mr. Speaker, in having stepped forward to defend our country with their very lives, our veterans deserve a health care system and a claims process that are both of high quality and that are accountable. Unfortunately, the VA has failed veterans in Pittsburgh, Phoenix, and across the Nation.

William Nicklas, a World War II veteran from western Pennsylvania, sur-

vived Guam, Saipan, and Okinawa, but fell victim to Legionnaires' disease at the Pittsburgh VA. It has been 1½ years since Mr. Nicklas died, and the Nicklas family is still waiting for answers and accountability, so are the families of John Ciarolla, Clark Compston, John McChesney, Lloyd Wanstreet, and Frank "Sonny" Calcagno.

Unfortunately, the world now knows that these are not isolated incidents. Significant changes in accountability must be made at the VA to solve these problems. I urge all of my colleagues to support the Department of Veterans Affairs Management Accountability Act. This bill is an important step in that direction.

Thank you to Chairman MILLER for conducting the oversight necessary to bring these issues into the light.

Mr. MICHAUD. Mr. Speaker, may I inquire, is the gentleman from Florida ready to close?

Mr. MILLER of Florida. Mr. Speaker, I have one more speaker I have been told is on his way, but he is not here at this point, so we are prepared to close.

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

The SPEAKER pro tempore. The gentleman from Maine has 2½ minutes remaining, and the gentleman from Florida has 5¼ minutes remaining.

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

I want to thank the chairman, but I will reiterate that the Secretary currently does have the authority to fire any Senior Executive Servicemember if he is not performing his job. This bill does not address the problem systemically within the VA. We are dealing with the Veterans Health Administration. This bill only covers 165 SES's who work in the Veterans Health Administration, but there are 400 throughout the VA.

The legislation that I would much prefer voting on today deals with not only the SES's, but also with the title 38 employees.

The reason it is important to deal with the title 38 employees—and it is important to note—is that one of the executives implicated in manipulating the wait times in Phoenix is a title 38 employee. This bill does not address that employee.

The bill also does not address some of the most egregious examples of failure in the system within the Department. As I mentioned earlier, a doctor was provided partial performance pay, even though he had let his license expire, because that was not part of the performance objective.

I will be supporting this legislation, so we can move it through the process and so we can go to conference to actually address some of these issues. I hope that we will be able to address these issues. They are very serious issues, and they are issues that are important to our veterans.

It is important for us on the committee that we deal with this, and I

hope, Mr. Chairman, that we will work together like we have in the past, but I am disappointed that this bill is before us, as we were not able to improve upon the bill.

I would also hope that the President would look very seriously at the performance evaluations within the Department of Veterans Affairs and that he would immediately issue an executive order, similar to the legislation that I have submitted, which will address a lot of the systemic problems within the Department of Veterans Affairs. This is unacceptable, and we must move forward to deal with this issue.

With that, Mr. Speaker, I would encourage my colleagues to support the legislation.

I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I have a request of the gentleman from Maine.

My speaker has now shown up. May I yield him 1 minute?

Mr. MICHAUD. Yes.

Mr. MILLER of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Gainesville, Florida, Dr. Yoho, who has a facility that, in fact, is in question at this point and from which several people have been put on administrative leave.

Mr. YOHO. I would like to thank my colleague, Mr. MILLER.

Mr. Speaker, I rise today in support of H.R. 4031, the Department of Veterans Affairs Management Accountability Act of 2014.

For far too long, problems of patient neglect have persisted at the VA. These problems will continue to persist until the employees there can be held accountable for their poor performances. In recent weeks, the full extent of staff incompetence has begun to be made clear.

Serious allegations have arisen that lengthy wait times and secret waiting lists at the three Phoenix VA medical centers have led to the deaths of 40 or more of our Nation's veterans. This is unacceptable. There are stories of secret waiting lists and of employee negligence at the VA that are popping up all over the news.

As these reports are investigated, it is necessary that we give the Secretary of the VA the power to not only reprimand, but to remove the negligent employees. If we do not, then the problem will persist.

□ 1345

For these reasons and more, I have cosponsored Chairman MILLER's bill, which will authorize the Secretary of Veterans Affairs to remove or demote any senior executive employee whose performance has been found lacking.

Mr. Speaker, caring for our veterans is of paramount importance. I urge my colleagues to stand up for our veterans and vote to pass the Department of Veterans Affairs Management Accountability Act of 2014.

Mr. MILLER of Florida. First, I want to say thank you very much to the gentleman from Maine, who in fact has

been very bipartisan in the way that we have approached this. Our committee has in fact worked in a very bipartisan way in trying to get to the bottom of the issue that lays out there.

I would like to say that it has been said on the floor that there were no hearings on this bill. In fact, it has been heard in subcommittee. It has also been said that the Secretary has the tools that he needs in order to hold people accountable.

Folks, here is where we are.

Back in January, I went to Augusta, Georgia, and Columbia, South Carolina, at the request of Congressman JOE WILSON and Congressman JOHN BARROW. We know—and VA has said—that there were deaths that occurred. There were some 5,000 veterans that were on waiting lists for colonoscopies. I talked about one of those veterans who testified before our committee today.

Shortly after that, I wrote a letter to the Secretary and I asked him to please provide me the names of the people, what their positions were, and what type of accountability, what disciplinary actions have you taken.

We are now in the closing weeks of the month of May, and I have heard absolutely nothing out of the Department of Veterans Affairs. He may have the tools, but he won't use the tools that he has at his disposal to get rid of or to discipline the very people who are at the crux of the problem that we are talking about all across this Nation today.

Let me tell you something else.

The very director of the Phoenix hospital that is now on administrative leave, according to the Department of Veterans Affairs today, got an \$8,500 bonus in April of this year, even though they knew that there was an open Office of Inspector General investigation ongoing at the time. He got a bonus while there was an ongoing investigation.

In Pittsburgh, Pennsylvania, where the director of the health care system up there knew that there was Legionella inside the water system that led to the death of at least six veterans—they knew it for a year—that person got a \$63,000 Presidential bonus.

It is easier to get rewarded at VA than it is to be disciplined.

That is why I urge my colleagues to vote in favor of H.R. 4031, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 4031.

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. MILLER of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4435, HOWARD P. "BUCK" MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015; AND PROVIDING FOR CONSIDERATION OF H.R. 3361, USA FREEDOM ACT

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 590 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 590

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 4435) to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SEC. 2. (a) No further amendment to the bill, as amended, shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(b) Each further amendment printed in part A of the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(c) All points of order against the further amendments printed in part A of the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part A of the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, 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.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 5. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3361) to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes. All points of order against consideration of the bill are

waived. In lieu of the amendments in the nature of a substitute recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence now printed in the bill, the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit with or without instructions.

SEC. 6. The Committee on Appropriations may, at any time before 5 p.m. on Tuesday, May 27, 2014, file privileged reports to accompany measures making appropriations for the fiscal year ending September 30, 2015.

POINT OF ORDER

Mr. MCGOVERN. Mr. Speaker, pursuant to section 426 of the Congressional Budget and Impoundment Control Act of 1974, I make a point of order against consideration of the rule, House Resolution 590.

Section 426 of the Budget Act specifically states that the Rules Committee may not waive the point of order prescribed by section 425 of that same act. House Resolution 590 waives all points of order against further amendments printed in part A of the report of the Committee on Rules.

Therefore, I make a point of order, pursuant to section 426, that this rule may not be considered.

The SPEAKER pro tempore. The gentleman from Massachusetts makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden under the rule, and the gentleman from Massachusetts and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, last night, a bipartisan group, Congressman WALTER JONES of North Carolina; Congressman ADAM SMITH, the ranking member of the Armed Services Committee from Washington State; Congressman GARAMENDI; and Congresswoman LEE from California; and I, offered an amendment to be able to have a debate on a vote on our policy in Afghanistan—the longest war in American history.

It seemed odd to me that a bill like the Department of Defense authorization bill would come to the floor without the ability for Members to have a vote on Afghanistan. We are at war, and you would never know it by the actions of this House.