

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.

AUTHORIZING SECRETARY OF VETERANS AFFAIRS TO RECOUP BONUSES AND AWARDS

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 280) to authorize the Secretary of Veterans Affairs to recoup bonuses and awards paid to employees 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. 280

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

SECTION 1. AUTHORITY TO RECOUP BONUSES OR AWARDS PAID TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

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

“§ 715. Recoupment of bonuses or awards paid to employees of Department

“(a) RECOUPMENT.—Notwithstanding any other provision of law, the Secretary may issue an order directing an employee of the Department to repay the amount, or a portion of the amount, of any award or bonus paid to the employee under title 5, including under chapters 45 or 53 of such title, or this title if—

“(1) the Secretary determines such repayment appropriate pursuant to regulations prescribed under subsection (c); and

“(2) before such repayment, the employee is afforded notice and an opportunity for a hearing conducted by another department or agency of the Federal Government.

“(b) REVIEW.—A decision regarding a repayment by an employee pursuant to subsection (a)(2) is final and may not be reviewed by any department or agency or any court.

“(c) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.”

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

“715. Recoupment of bonuses or awards paid to employees of Department.”

(c) EFFECTIVE DATE.—Section 715 of title 38, United States Code, as added by subsection (a), shall apply with respect to an award or bonus paid by the Secretary of Veterans Affairs to an employee of the Department of Veterans Affairs before, on, or after the date of the enactment of this Act.

(d) CONSTRUCTION.—Nothing in this Act or the amendments made by this Act may be construed to modify the certification issued by the Office of Personnel Management and the Office of Management and Budget regarding the performance appraisal system of the Senior Executive Service of the Department of Veterans Affairs.

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

The Chair recognizes the gentleman from Florida.

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

Mr. Speaker, H.R. 280, as amended, is similar to a bill that I introduced last

Congress. I would like to thank my friend Mr. CHAFFETZ for helping us bring this bill to the floor today. It would authorize and provide for the Secretary to have the authority to rescind a bonus or a performance award from VA employees when the Secretary deems it appropriate. To ensure a fair process, the provision would also give the employee an opportunity to hold a hearing on the Secretary's decision to recoup that bonus.

Now, I proposed this legislation last Congress because VA had given the Committee on Veterans' Affairs conflicting statements whether or not they had the authority, and later they confirmed that they did not have that authority. So it is clear to me that this is still an authority that the Secretary still needs as more and more investigations, in fact, are being completed by the Department, the VA inspector general, and the Committee on Veterans' Affairs.

As these investigations into falsified wait times, data manipulation, and several other issues at the VA continue, I hope this authority will be applied appropriately and that it will be utilized as yet another tool for the Secretary to use to instill true accountability throughout his agency on behalf of America's veterans.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, February 26, 2015.

Hon. JEFF MILLER,
Chairman, Committee on Veterans' Affairs,
Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 280, to authorize the Secretary of Veterans Affairs to recoup bonuses and awards paid to employees of the Department of Veterans Affairs. As you know, the Committee on Veterans' Affairs received an original referral and the Committee on Oversight and Government Reform a secondary referral when the bill was introduced on January 12, 2015. I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Oversight and Government Reform will forego action on the bill.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 280 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation. Further, I request your support for the appointment of conferees from the Committee on Oversight and Government Reform during any House-Senate conference convened on this or related legislation.

Finally, I would ask that a copy of our exchange of letters on this matter be included in the bill report filed by the Committee on Veterans' Affairs, as well as in the Congressional Record during floor consideration, to memorialize our understanding.

Sincerely,

JASON CHAFFETZ,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, February 27, 2015.
Hon. JASON CHAFFETZ,
Chairman, House Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN CHAFFETZ: In reference to your letter on February 26, 2015, I write to confirm our mutual understanding regarding H.R. 280, as amended, “To authorize the Secretary of Veterans Affairs to recoup bonuses and awards paid to employees of the Department of Veterans Affairs.”

I appreciate the House Committee on Oversight and Government Reform's waiver of consideration of provisions under its jurisdiction and its subject matter as specified in your letter. I acknowledge that the waiver was granted only to expedite floor consideration of H.R. 280, as amended, and does not in any way waive or diminish the House Committee on Oversight and Government Reform's jurisdictional interests over this legislation or similar legislation. I will support a request from the House Committee on Oversight and Government Reform for appointment to any House-Senate conference on H.R. 280, as amended.

Again, thank you for your assistance with these matters.

With warm personal regards, I am

Sincerely,

JEFF MILLER,
Chairman.

Ms. BROWN of Florida. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 280, as amended. This measure would provide the Secretary of Veterans Affairs with the authority to issue an order directing an employee of the VA to repay a bonus or a portion of the bonus provided to that employee. H.R. 280 provides the Secretary may do this if the Secretary determines that the repayment is appropriate. This authority would apply to an award or a bonus paid by the VA before, on, or after the date of the enactment of H.R. 280. The bill provides that any affected employee be provided with notice and the opportunity for a hearing conducted by another agency or department.

I support this measure, but I want to take this opportunity to address a few concerns for the RECORD.

I believe that the Secretary should have a limited authority, beyond administrative error, to recoup a bonus paid to the VA employee when the underlying basis of that bonus is false or the result of wrongdoing, fraud, or criminal conduct by the employee. I hope that the Secretary will use this broad grant of rulemaking authority provided in H.R. 280 to provide narrow and specific grounds for recoupment.

Secondly, I am concerned about the application of this authority to bonuses provided before the date of the enactment. I know that Chairman MILLER and all of us are concerned over bonuses that may have been awarded over the last number of years to VA managers who took activities, steps to cover up the delay and wait time faced by our veterans. Even though I am unhappy with their action, I would not like to see the authority provided to the Secretary under the bill to be done away with because of a constitutional challenge to this authority.

Finally, I would like to point out that if this bill is enacted, the VA will be the only Department that I am aware of where the Secretary will have the power to recoup bonuses. I hope the Secretary and those that follow this Secretary will use this authority with caution.

I urge my colleagues to support H.R. 280, as amended.

I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from the First District of Michigan (Mr. BENISHEK), the subcommittee chairman of the Subcommittee on Health.

Mr. BENISHEK. Mr. Speaker, today I rise in support of H.R. 280, legislation to allow the VA Secretary to claw back bonuses from senior employees who were found to have manipulated veterans' care data.

Frankly, I can't believe that this wasn't already the case. No business in America would allow employees to not only stay at work, but to hold on to bonuses that they earned by cooking the books. This is exactly what the VA has done. The VA has paid more than \$380,000 in 2013 to directors and top executives at VA hospitals that were under investigation for falsifying data.

I am the father of a veteran. I know exactly the character of those who choose to serve the cause of freedom. They deserve so much better. Bonuses should be awarded only for exceptional performance. This kind of severe mismanagement has to end. I know I speak for all my colleagues when I say it will not be tolerated by this Congress.

Secretary McDonald says he is working to change the culture of the VA, and I give him credit for that. Too often the VA seems to be focusing on the health of the organization, not the health of the veteran. I agree with him that the VA must return the focus to the veteran. However, I would like to see more meaningful strides toward accountability than I have seen thus far. Congress will keep giving him the tools, but it is ultimately up to him to use them. This is a management problem, and it is best solved by good management.

I thank Chairman MILLER for his leadership on this bill, and I urge my colleagues to support it, but even more so, I urge Secretary McDonald to use this authority. You have a willing partner in Congress in the fight to change the culture at the VA.

Mr. MILLER of Florida. I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Florida has yielded back the balance of her time. The gentleman from Florida is recognized.

Mr. MILLER of Florida. Mr. Speaker, I have two more speakers at this point. I yield 2 minutes to the gentleman from the Sixth District of Colorado (Mr. COFFMAN), who chairs the Subcommittee on Oversight and Investigations.

Mr. COFFMAN. I thank the chairman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 280 because, like most Americans, I am appalled at the bonuses awarded to officials within the Department of Veterans Affairs despite gross mismanagement and incompetence by those very same officials.

In my home State of Colorado, a VA director conveniently announced her retirement just days after yet another secret waiting list was discovered at her hospital in Denver. Incredibly, she had received over \$100,000 in bonuses over the past 7 years.

I believe bonuses are a reward for exceptional work and not an entitlement for simply showing up at the job. However, the VA's broadly abused bonus system has spread a sense of entitlement and a complete lack of accountability.

This law gives the VA Secretary the ability to reclaim bonuses paid to corrupt VA officials. On behalf of the American taxpayer, I urge my colleagues to support this commonsense measure to help combat VA's broken culture.

Mr. MILLER of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from the Sixth District of Pennsylvania (Mr. COSTELLO), a new member of the committee, an outstanding supporter of America's veterans.

Mr. COSTELLO of Pennsylvania. Mr. Speaker, bringing more accountability and transparency to our Veterans Affairs system is something Members of both parties can and should support. As a member of the Committee on Veterans Affairs, I believe this is an area where we can make immediate and substantive reforms that are supported by both parties.

After months of being in the spotlight for scandal after scandal, after widespread and systemic lack of accountability, we all agree that we need real change in an effort to assist our Nation's veterans. H.R. 280 is one such piece of legislation that will help bring accountability to a Department where it is severely lacking.

Mr. Speaker, I rise today as a cosponsor of this legislation that will authorize the Secretary of Veterans Affairs to recoup bonuses and awards paid to employees at the Department of Veterans Affairs. The VA paid more than \$380,000 in cash bonuses to top executives at 38 hospitals that are under investigation for falsifying wait times for medical care.

At every twist and turn, these executives received a bonus, while so many of our veterans have been faced with long wait periods or failed care at VA hospitals around the country. It is disgraceful that employees would be benefiting while so many veterans are struggling.

It is only right that we would authorize the Secretary of Veterans Affairs to recoup many of these bonuses and awards in an effort to instill more accountability at the Department. In fact, it is common sense. If you receive a bonus under false pretenses, you should have to pay it back.

I, along with so many other Americans, am asking the question, Where is the accountability? H.R. 280 will not only ensure our veterans receive the care they deserve and have earned, but it also promotes transparency and accountability where it is greatly needed.

I want to thank Chairman MILLER for his leadership and his work on this important issue.

Mr. MILLER of Florida. Mr. Speaker, I appreciate my colleague from Florida and her support, and at this point I urge all Members to support H.R. 280, as amended.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 280, a bill which authorizes the Secretary of Veterans Affairs to recoup bonuses paid to VA executives who knowingly falsified data on the treatment of our nation's veterans.

Last year, it was discovered that a VA hospital in Phoenix, Arizona falsified waitlist records for veterans to see a doctor in order to make it appear that the facility was meeting waitlist goals.

This deliberate, and deplorable, action allowed VA executives to receive performance bonuses and awards, while veterans waited up to six months to a year for care, and it was reported that some died as a result.

To date, the VA has paid more than \$380,000 in cash bonuses to top executives at 38 hospitals that are under investigation for falsifying wait times for medical care.

In response to the waitlist scandal, many members of Congress on both sides of the aisle have called for the VA to take action to recover bonuses paid to VA officials who falsified waitlist records.

However, the VA has said it is uncertain whether it has that authority.

This bill directs the Secretary of Veterans Affairs to require VA employees to repay, in part or in full, bonuses or performance awards in appropriate circumstances under regulations to be established by the department.

This authority would apply to bonuses or rewards paid on or after the date of enactment and would not authorize the VA to recover previously paid bonuses.

Furthermore, under the bill, VA employees would receive notification and be given a hearing at which they could contest allegations about their performance.

The measure requires that an appeal decision would be final and not reviewable by any other agency or court.

Our nation supports more than 2 million troops and reservists, their families, and 22 million veterans, including 32,477 in the 18th Congressional District of Texas.

We have a responsibility to ensure that they will be provided the quality job opportunities they have earned.

I cannot, in good conscience, allow VA executives who knowingly falsified data which kept our nation's veterans from receiving proper care, to keep bonuses that they do not deserve.

This money should be used to help those who have risked their lives to protect our freedom, not for awarding VA executives who shamefully put these veterans' health at risk. I ask my fellow Members to support H.R. 280.

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. 280, 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. MILLER of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

□ 1715

LONG-TERM CARE VETERANS CHOICE ACT

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 294) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into contracts and agreements for the transfer of veterans to non-Department medical foster homes for certain veterans who are unable to live independently, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 294

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 “Long-Term Care Veterans Choice Act”.

SEC. 2. SECRETARY OF VETERANS AFFAIRS CONTRACT AUTHORITY FOR PLACEMENT OF VETERANS IN NON-DEPARTMENT MEDICAL FOSTER HOMES.

(a) AUTHORITY.—

(1) IN GENERAL.—Section 1720 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(h)(1) During the three-year period beginning on October 1, 2015, and subject to paragraph (2), at the request of a veteran for whom the Secretary is required to provide nursing home care under section 1710A of this title, the Secretary may place the veteran in a medical foster home that meets Department standards, at the expense of the United States, pursuant to a contract or agreement entered into between the Secretary and the medical foster home for such purpose. A veteran who is placed in a medical foster home under this subsection shall agree, as a condition of such placement, to accept home health services furnished by the Secretary under section 1717 of this title.

“(2) Not more than 900 veterans placed in a medical foster home, whether placed before or after the enactment of the Long-Term Care Veterans Choice Act, may have their care covered at the expense of the United States under subsection (a).

“(3) In this subsection, the term ‘medical foster home’ means a home designed to provide non-institutional, long-term, supportive care for veterans who are unable to live independently and prefer a family setting.”.

(2) EFFECTIVE DATE.—Subsection (h) of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 2015.

(b) LIMITATIONS ON AWARDS AND BONUSES.—Section 705 of the Veterans Access, Choice,

and Accountability Act of 2014 (Public Law 113-146; 38 U.S.C. 703 note) is amended to read as follows:

“SEC. 705. LIMITATION ON AWARDS AND BONUSES PAID TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

“The Secretary of Veterans Affairs shall ensure that the aggregate amount of awards and bonuses paid by the Secretary in a fiscal year under chapter 45 or 53 of title 5, United States Code, or any other awards or bonuses authorized under such title or title 38, United States Code, does not exceed the following amounts:

“(1) With respect to each of fiscal years 2015 through 2018, \$300,000,000.

“(2) With respect to each of fiscal years 2019 through 2024, \$360,000,000.”.

Amend the title so as to read: “A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into contracts and agreements for the placement of veterans in non-Department medical foster homes for certain veterans who are unable to live independently.”.

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

The Chair recognizes the gentleman from Florida.

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

Mr. Speaker, H.R. 294, as amended, the Long-Term Care Veterans Choice Act, would authorize the Department of Veterans Affairs for 3 years, beginning October 1 of 2015, to enter into a contract or agreement with a certified medical foster home to pay for long-term care for not more than 900 eligible veterans.

An eligible veteran is defined as one who is eligible for VA-paid nursing home care and would agree to receive VA home health services. The bill would also limit the amount of awards and bonuses paid to VA employees at \$300 million for each of fiscal years 2015 through 2018.

Medical foster home care is a non-institutional, long-term care alternative for those who prefer a smaller, more homelike, and familial care setting than many traditional nursing homes are able to provide.

VA has been helping to place veterans in medical foster homes for over a decade and providing the oversight and the safeguards needed to ensure that veterans receive safe, high-quality care.

According to VA, over 900 veterans currently receive medical foster home care. However, VA does not currently have the authority to pay for the cost of medical foster home care, regardless of whether or not the veteran who chooses medical foster home care is eligible for more costly VA-paid nursing home care.

This creates a situation, Mr. Speaker, where many service-connected veterans are limited with their financial resources and are unable to access the medical foster home care that they desire because of limited financial resources; instead, these veterans often move into nursing homes at a much greater expense to VA.

With the creation of the choice program last August, Congress, on an overwhelmingly bipartisan basis, agreed that our veterans deserve the right to choose for themselves where and how they receive health care that they have earned.

With today’s passage of H.R. 294, as amended, we will reaffirm that right to choose for the growing population of veterans in need of long-term care services.

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

Ms. BROWN of Florida. Mr. Speaker, I rise in support of H.R. 294, as amended.

Providing high-quality health care to our Nation’s veterans has always been a number one priority for this committee. Ensuring that the VA is a leader in the provision of long-term care to our veterans has also been a priority.

We must work to make sure that VA provides a full range of long-term care programs, and H.R. 294, as amended, is a valuable improvement in providing veterans the choice of obtaining long-term care in a medical foster home.

H.R. 294 gives VA the authority to pay for veterans’ long-term care in VA-approved medical foster homes. These homes provide care in a private home at much lower cost than nursing home care. Medical foster homes are safe, and we know through experience that many veterans prefer them to the traditional nursing home.

Older veterans also indicated that they prefer to receive care closer to home. The Long-Term Care Veterans Choice Act would provide the opportunity for more veterans to take advantage of this home care setting.

I fully support this legislation and thank the chairman for introducing it.

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

Mr. MILLER of Florida. Mr. Speaker, I have no further speakers at this time, so I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I urge my colleagues to support H.R. 294, as amended.

I yield back the balance of my time.

Mr. MILLER of Florida. Once again, Mr. Speaker, I encourage all Members to support H.R. 294, as amended.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on both H.R. 280, as amended, and H.R. 294, as amended.

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

There was no objection.

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

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 203, the “Long-Term Care Veteran Choice Act”, which will help expand access to healthcare for our nation’s veterans.