

proceed to the immediate consideration of Calendar No. 304, S. 2687.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2687) to provide the Inspector General of the Department of Veterans Affairs testimonial subpoena authority, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MURPHY. Mr. President, I ask unanimous consent that the Tester substitute amendment at the desk be considered and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5024) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening Oversight for Veterans Act of 2021”.

SEC. 2. TESTIMONIAL SUBPOENA AUTHORITY OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 312 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d)(1)(A) In addition to the authority otherwise provided by the Inspector General Act of 1978 (5 U.S.C. App.) and in accordance with the requirements of this subsection, the Inspector General, in carrying out the provisions of this section, may require by subpoena the attendance and testimony of witnesses as necessary in the performance of the functions assigned to the Inspector General by the Inspector General Act of 1978 (5 U.S.C. App.) and this section, which in the case of contumacy or refusal to obey, such subpoena shall be enforceable by order of any appropriate district court of the United States.

“(B) The Inspector General may not require by subpoena the attendance and testimony under subparagraph (A) of—

“(i) any current Federal employee; or

“(ii) any witness as part of any criminal proceeding.

“(2) The authority to issue a subpoena under paragraph (1) may not be delegated.

“(3)(A) The Inspector General shall notify the Attorney General of the intent to issue a subpoena under paragraph (1).

“(B) Not later than 10 days after the date on which the Attorney General is notified pursuant to subparagraph (A), the Attorney General may object in writing to the issuance of the subpoena if the subpoena will interfere with an ongoing investigation and, if the Attorney General makes such an objection, the Inspector General may not issue the subpoena.

“(C) If the Attorney General does not object in writing to the issuance of the subpoena during the 10-day period described in subparagraph (B), the Inspector General may issue the subpoena.

“(4) Before requiring by subpoena under paragraph (1) the attendance and testimony of a witness, the Inspector General shall, to the degree practicable—

“(A) notify the witness of the intent of the Inspector General to issue the subpoena; and

“(B) provide the witness an opportunity to attend and testify voluntarily.

“(5) Whenever requiring by subpoena under paragraph (1) the attendance and testimony

of a witness, the Inspector General shall, to the greatest extent practicable, travel to residence of the witness, the principal place of business of the witness, or other similar location that is in proximity to the residence of the witness.

“(6)(A) Along with each semiannual report submitted by the Inspector General pursuant to section 5(b) of the Inspector General Act of 1978 (5 U.S.C. App. 5(b)), the Inspector General shall include a report on the exercise of the authority provided by paragraph (1).

“(B) Each report submitted under subparagraph (A) shall include, for the most recently completed six-month period, the following:

“(i) The number of testimonial subpoenas issued and the number of individuals interviewed pursuant to such subpoenas.

“(ii) The number of proposed testimonial subpoenas with respect to which the Attorney General objected under paragraph (3)(B).

“(iii) A discussion of any challenges or concerns that the Inspector General has encountered exercising the authority provided by paragraph (1).

“(iv) Such other matters as the Inspector General considers appropriate.

“(7)(A) The authority provided by paragraph (1)(A) shall terminate on May 31, 2025.

“(B) The termination of authority by subparagraph (A) shall not affect the enforceability of a subpoena issued under paragraph (1)(A) before the date of such termination.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (d) of section 312 of title 38, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.

(2) SEMIANNUAL REPORT.—Paragraph (6) of subsection (d) of such section, as so added, shall apply beginning on the date that is seven months after the first day of the first fiscal year beginning after the date of the enactment of this Act.

Mr. MURPHY. Mr. President, I ask unanimous consent that the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MURPHY. Mr. President, I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 2687), as amended, was passed.

Mr. MURPHY. Mr. President, I ask that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS’ EMERGENCY CARE CLAIMS PARITY ACT

Mr. MURPHY. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be discharged from further consideration of S. 1875 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1875) to amend title 38, United States Code, to provide a deadline of 180 days for the filing of claims for payment for emergency treatment furnished to veterans, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. MURPHY. Mr. President, I ask unanimous consent that the Rounds substitute amendment at the desk be considered and agreed to, that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5026) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans’ Emergency Care Claims Parity Act”.

SEC. 2. CLAIMS FOR PAYMENT FROM DEPARTMENT OF VETERANS AFFAIRS FOR EMERGENCY TREATMENT FURNISHED TO VETERANS.

(a) TREATMENT FOR NON-SERVICE-CONNECTED DISABILITIES.—

(1) IN GENERAL.—Section 1725 of title 38, United States Code, is amended—

(A) by redesignating subsection (f) as subsection (h); and

(B) by inserting after subsection (e) the following new subsections (f) and (g):

“(f) SUBMITTAL OF CLAIMS FOR DIRECT PAYMENT.—An individual or entity seeking payment under subsection (a)(2) for treatment provided to a veteran in lieu of reimbursement to the veteran shall submit a claim for such payment not later than 180 days after the latest date on which such treatment was provided.

“(g) HOLD HARMLESS.—No veteran described in subsection (b) may be held liable for payment for emergency treatment described in such subsection if—

“(1) a claim for direct payment was submitted by an individual or entity under subsection (f); and

“(2) such claim was submitted after the deadline established by such subsection due to—

“(A) an administrative error made by the individual or entity, such as submission of the claim to the wrong Federal agency, under the wrong reimbursement authority (such as section 1728 of this title), or submission of the claim after the deadline; or

“(B) an administrative error made by the Department, such as misplacement of a paper claim or deletion of an electronic claim.”.

(b) TREATMENT FOR AND IN CONNECTION WITH SERVICE-CONNECTED DISABILITIES.—Section 1728 of such title is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) No veteran described in subsection (a) may be held liable for payment for emergency treatment described in such subsection if—

“(1) a claim for direct payment was submitted by an individual or entity under subsection (b)(2); and

“(2) such claim was submitted after a deadline established by the Secretary for purposes of this section due to—

“(A) an administrative error made by the individual or entity, such as submission of

the claim to the wrong Federal agency or submission of the claim after the deadline; or

“(B) an administrative error made by the Department, such as misplacement of a paper claim or deletion of an electronic claim.”.

(c) CONFORMING AMENDMENTS.—Such title is amended—

(1) in section 1705A(d), by striking “section 1725(f)” and inserting “section 1725(h)”;

(2) in section 1725(b)(3)(B), by striking “subsection (f)(2)(B) or (f)(2)(C)” and inserting “subsection (h)(2)(B) or (h)(2)(C)”;

(3) in section 1728(d), as redesignated by subsection (b)(4), by striking “section 1725(f)(1)” and inserting “section 1725(h)(1)”;

(4) in section 1781(a)(4), by striking “section 1725(f)” and inserting “section 1725(h)”;

and

(5) in section 1787(b)(3), by striking “section 1725(f)” and inserting “section 1725(h)”.

SEC. 3. PUBLICATION OF CLARIFYING INFORMATION FOR NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall publish on one or more publicly available internet websites of the Department of Veterans Affairs, including the main internet website regarding emergency care authorization for non-Department providers, the following information:

(1) A summary table or similar resource that provides a list of all authorities of the Department to authorize emergency care from non-Department providers and, for each such authority, the corresponding deadline for submission of claims.

(2) An illustrated summary of steps, such as a process map, with a checklist for the submission of clean claims that non-Department providers can follow to assure compliance with the claims-filing process of the Department.

(3) Contact information for the appropriate office or service line of the Department to address process questions from non-Department providers.

(b) PERIODIC REVIEW.—Not less frequently than once every 180 days, the Secretary shall review the information published under subsection (a) to ensure that such information is current.

(c) CLEAN CLAIMS DEFINED.—In this section, the term “clean claims” means clean electronic claims and clean paper claims (as those terms are defined in section 1703D(i) of title 38, United States Code).

The bill (S. 1875), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA SHOULD IMMEDIATELY GUARANTEE THE SAFETY AND FREEDOM OF TENNIS STAR PENG SHUAI

Mr. MURPHY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 323, S. Res. 503.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 503) expressing the sense of the Senate that the Government of the People's Republic of China should immediately guarantee the safety and freedom of tennis star Peng Shuai.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the resolving clause and insert the part printed in italic, and with an amendment to strike the preamble and insert the part printed in italic, as follows:

Whereas, on November 2, 2021, 3-time Olympic Peng Shuai went missing after she said in a since-deleted post on Chinese social media site Weibo that she had been sexually assaulted and forced into a sexual relationship with Zhang Gaoli, who was the senior Vice Premier of the State Council of the People's Republic of China from 2013 to 2018;

Whereas authorities of the People's Republic of China imposed a media and internet blackout of discussions of Peng's case;

Whereas, on November 14, 2021, after Peng had not been seen or heard from for 12 days, Chairman and Chief Executive Officer of the Women's Tennis Association Steve Simon requested a “full, fair, and transparent” investigation into Peng's allegations;

Whereas the hashtag “#WhereIsPengShuai” trended across social media worldwide, with the exception of the People's Republic of China where it was censored;

Whereas, on November 17, 2021, the Women's Tennis Association received a statement purporting to be from Peng, recanting her abuse claim and saying “everything is fine”;

Whereas, in response, Chairman and Chief Executive Officer of the Women's Tennis Association Steve Simon said the statement “released today by Chinese state media concerning Peng Shuai only raises my concerns as to her safety and whereabouts”;

Whereas the International Olympic Committee said in a statement that it was “encouraged by assurances that she is safe”;

Whereas, on November 19 and 20, 2021, photos and videos of Peng appearing in her home, in a restaurant, and at a youth tennis event in Beijing emerged on Twitter accounts affiliated with government-run media;

Whereas, on November 19, 2021, White House Press Secretary Jen Psaki said the White House is “deeply concerned” over Peng's disappearance and seeks “independent and verifiable proof” of her location and condition;

Whereas, on November 19, 2021, Liz Throssell, the spokesperson for the United Nations High Commissioner for Human Rights, told reporters “. . . it would be important to have proof of her whereabouts and wellbeing, and we would urge that there be an investigation with full transparency into her allegations of sexual assault”;

Whereas, on November 21, 2021, the International Olympic Committee said in a statement that its President, Thomas Bach, had a 30-minute video call with Peng, joined by a Chinese sports official and an official of the International Olympic Committee;

Whereas the statement said that, during the call, Peng appeared to be “doing fine” and appeared “relaxed”, and said she “would like to have her privacy respected”;

Whereas the International Olympic Committee did not explain how the video call with Peng had been organized, given the difficulties other concerned parties have had reaching her;

Whereas, on November 30, 2021, in an interview with CNN, International Olympic Committee official Dick Pound defended the handling of the situation by the Government of the People's Republic of China and said the “unanimous conclusion” by International Olympic Committee officials on the call is that Peng Shuai is “fine”;

Whereas the annual report of the Congressional-Executive Commission on China for 2020 finds that gender-based violence in China remains a serious issue, and highly publicized cases of sexual assault continue to surface;

Whereas, on December 1, 2021, the Women's Tennis Association suspended all Women's Tennis Association tournaments in China and Hong Kong;

Whereas Chairman and Chief Executive Officer of the Women's Tennis Association Steve Simon stated, “In good conscience, I don't see how I can ask our athletes to compete there when Peng Shuai is not allowed to communicate freely and has seemingly been pressured to contradict her allegation of sexual assault. Given the current state of affairs, I am also greatly concerned about the risks that all of our players and staff could face if we were to hold events in China in 2022.”; and

Whereas the Government of the People's Republic of China has repeatedly detained “#MeToo” activists in China and censored online and public discussion around sexual assault and harassment: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the case of Peng Shuai is directly related to broader international concerns around the freedom of speech and safety of athletes participating in the 2022 Winter Olympic Games in Beijing;

(2) the failure of the International Olympic Committee to clearly and forcefully challenge the claims of the Government of the People's Republic of China concerning Peng's safety raise questions about the ability and willingness of the International Olympic Committee to stand up for the human rights of athletes participating in the 2022 Olympic and Paralympic games in Beijing;

(3) the Government of the People's Republic of China would help reduce concerns about athlete safety at the 2022 Winter Olympic Games in Beijing by assuring Peng's freedom and safety and investigating her allegations in a fair and transparent manner;

(4) the Government of the People's Republic of China should immediately take steps to—

(A) provide independent and verifiable proof of Peng's whereabouts and that she is safe;

(B) allow Peng to engage directly with the Women's Tennis Association and the United Nations to independently verify her safety and explain her absence from public life since making her allegation;

(C) open an independent and transparent investigation into Peng's allegations against former senior Vice Premier Zhang Gaoli;

(D) publicly commit to hold sexual violence abusers accountable;

(E) cease all censorship of reporting and discussions of Peng's case; and

(F) allow Peng to leave China if she so desires and prevent any retaliation against family members remaining there;

(5) by failing to clearly and forcefully challenge the Chinese Communist Party's narrative, the International Olympic Committee has failed to uphold its own stated commitments with regard to “[r]espect for international conventions on protecting human rights”, as outlined in the Code of Ethics of the International Olympic Committee;

(6) the conduct of the International Olympic Committee runs counter to efforts by the United States Government, human rights organizations, the Women's Tennis Association, and other international bodies and individuals to secure Peng's safety; and

(7) in an effort to regain lost public confidence, the International Olympic Committee should publicly call on the Government of the People's Republic of China to undertake the actions called for in paragraph (4).

That it is the sense of the Senate that—

(1) the case of Peng Shuai is directly related to broader international concerns around the freedom of speech and safety in China;

(2) the failure of the International Olympic Committee to clearly and forcefully challenge the claims of the Government of the People's Republic of China concerning Peng's safety raises