

Green, Al	Lynch	Sánchez, Linda	Brat	Gabbard	Love	Ross	Sires	Visclosky
Green, Gene	Maloney,	T.	Bridenstine	Gallego	Lowenthal	Rothfus	Slaughter	Wagner
Grijalva	Carolyn	Sanchez, Loretta	Brooks (AL)	Garamendi	Lowey	Rouzer	Smith (MO)	Walberg
Gutiérrez	Maloney, Sean	Sarbanes	Brooks (IN)	Garrett	Lucas	Roybal-Allard	Smith (NE)	Walden
Hahn	Matsui	Shakowsky	Brown (FL)	Gibbs	Luetkemeyer	Royce	Smith (NJ)	Walker
Hastings	McColum	Schiff	Brownley (CA)	Gibson	Luján, Ben Ray	Ruiz	Smith (TX)	Walorski
Heck (WA)	McDermott	Schrader	Buchanan	Gohmert	(NM)	Ruppersberger	Smith (WA)	Walters, Mimi
Higgins	McGovern	Buck	Bucshon	Goodlatte	Lummis	Rush	Speier	Walz
Himes	McNeerney	Scott (VA)	Burgess	Gosar	Lynch	Russell	Stefanik	Wasserman
Hinojosa	Meeks	Scott, David	Bustos	Gowdy	MacArthur	Ryan (OH)	Stewart	Schultz
Honda	Meng	Serrano	Butterfield	Graham	Maloney,	Ryan (WI)	Stivers	Waters, Maxine
Hoyer	Moore	Sewell (AL)	Byrne	Granger	Carolyn	Salmon	Stutzman	Watson Coleman
Huffman	Moulton	Sherman	Calvert	Graves (GA)	Maloney, Sean	Sánchez, Linda	Swalwell (CA)	Weber (TX)
Israel	Murphy (FL)	Sires	Graves (LA)	Graves (MO)	T.	T.	Takai	Webster (FL)
Jackson Lee	Nadler	Slaughter	Capps	Grayson	Sanchez, Loretta	Takano	Takano	Welch
Jeffries	Speier	Smith (WA)	Capuano	Green, Al	Sanford	Thompson (CA)	Thompson (CA)	Wenstrup
Johnson (GA)	Smith (WA)	Speier	Cárdenas	Green, Gene	Sarbanes	Thompson (MS)	Thompson (MS)	Westerman
Johnson, E. B.	Neal	Swalwell (CA)	Carson (IN)	Green, Gene	Scalise	Thompson (PA)	Thompson (PA)	Westmoreland
Kaptur	Nolan	Takai	Carter (GA)	Griffith	Schakowsky	Thornberry	Thornberry	Whitfield
Keating	Norcross	Takano	Cartwright	Grijalva	Schiff	Tiberi	Tipton	Williams
Kelly (IL)	O'Rourke	Takano	Castor (FL)	Grothman	Schrader	Titus	Titus	Wilson (FL)
Kennedy	Pallone	Thompson (CA)	Castro (TX)	Guinta	Schweikert	Tonko	Tonko	Wilson (SC)
Kildee	Pascrell	Thompson (MS)	Chabot	Guthrie	Scott (VA)	Torres	Torres	Wittman
Kilmer	Payne	Titus	Chaffetz	Gutiérrez	Scott, Austin	Trotter	Trotter	Womack
Kind	Pelosi	Tonko	Chu, Judy	Hahn	Scott, David	Tsongas	Tsongas	Woodall
Kirkpatrick	Perlmutter	Torres	Cicilline	Hanna	Sensenbrenner	Turner	Turner	Yarmuth
Kuster	Peters	Tsongas	Clark (MA)	Hardy	Serrano	Upton	Upton	Yoder
Langevin	Peterson	Van Hollen	Clarke (NY)	Harper	Sessions	Valadao	Valadao	Yoho
Larsen (WA)	Pingree	Vargas	Clay	Harris	Sewell (AL)	Van Hollen	Van Hollen	Young (AK)
Larson (CT)	Pocan	Veasey	Cleaver	Hartzer	Sherman	Vargas	Vargas	Young (IA)
Lawrence	Polis	Vela	Clyburn	Hastings	Shimkus	Veasey	Veasey	Young (IN)
Lee	Price (NC)	Velázquez	Coffman	Heck (NV)	Shuster	Vela	Vela	Zeldin
Lewis	Quigley	Visclosky	Cohen	Heck (WA)	Simpson	Velázquez	Velázquez	Zinke
Lieu, Ted	Rangel	Walz	Cole	Hensarling	Sinema			
Lipinski	Rice (NY)	Wasserman	Collins (GA)	Herrera Beutler	Mica			
Loeback	Richmond	Schultz	Collins (NY)	Hice, Jody B.	Miller (FL)			
Lofgren	Roybal-Allard	Waters, Maxine	Comstock	Higgins	Miller (MI)			
Lowenthal	Ruiz	Watson Coleman	Conaway	Hill	Moolenaar			
Lowey	Ruppersberger	Welch	Conolly	Himes	Mooney (WV)			
Luján, Ben Ray	Rush	Wilson (FL)	Conyers	Hinojosa	Moore			
(NM)	Ryan (OH)	Yarmuth	Cook	Holding	Moulton			
			Cooper	Honda	Mullin			
			Costa	Hoyer	Mulvaney			
			Costello (PA)	Hudson	Murphy (FL)			
			Courtney	Huelskamp	Murphy (PA)			
			Cramer	Huffman	Nadler			
			Crawford	Huizenga (MI)	Napolitano			
			Crenshaw	Hultgren	Neal			
			Crowley	Hunter	Neugebauer			
			Cuellar	Hurd (TX)	Newhouse			
			Culberson	Hurt (VA)	Noem			
			Cummings	Israel	Nolan			
			Curbelo (FL)	Issa	Norcross			
			Davis (CA)	Jackson Lee	Nugent			
			Davis, Danny	Jeffries	Nunes			
			Davis, Rodney	Jenkins (KS)	O'Rourke			
			DeFazio	Jenkins (WV)	Olson			
			DeGette	Johnson (GA)	Palazzo			
			Delaney	Johnson (OH)	Pallone			
			DeLauro	Johnson, E. B.	Palmer			
			DeBene	Johnson, Sam	Pascrell			
			Denham	Jolly	Paulsen			
			Dent	Jordan	Payne			
			DeSantis	Joyce	Pearce			
			DeSaulnier	Kaptur	Pelosi			
			DesJarlais	Katko	Perlmutter			
			Deutch	Keating	Perry			
			Diaz-Balart	Kelly (IL)	Peters			
			Dingell	Kelly (MS)	Peterson			
			Doggett	Kelly (PA)	Pingree			
			Dold	Kennedy	Pittenger			
			Donovan	Kildee	Pitts			
			Doyle, Michael	Kilmer	Pocan			
			F.	Kind	Poe (TX)			
			Duckworth	King (IA)	Poliquin			
			Duffy	King (NY)	Polis			
			Duncan (SC)	Kinzinger (IL)	Pompeo			
			Duncan (TN)	Kirkpatrick	Posey			
			Edwards	Kline	Price (NC)			
			Ellison	Knight	Quigley			
			Ellmers (NC)	Kuster	Rangel			
			Emmer (MN)	Labrador	Ratcliffe			
			Eshoo	LaMalfa	Reed			
			Esty	Lamborn	Reichert			
			Farenthold	Lance	Renacci			
			Farr	Langevin	Ribble			
			Fattah	Larsen (WA)	Rice (NY)			
			Fincher	Larson (CT)	Rice (SC)			
			Fitzpatrick	Latta	Richmond			
			Fleischmann	Lawrence	Rigell			
			Fleming	Lee	Roby			
			Flores	Lewis	Roe (TN)			
			Forbes	Lieu, Ted	Rogers (AL)			
			Fortenberry	Lipinski	Rogers (KY)			
			Fox	LoBiondo	Rohrabacher			
			Frankel (FL)	Loeback	Rokita			
			Franks (AZ)	Lofgren	Rooney (FL)			
			Frelinghuysen	Long	Ros-Lehtinen			
			Fudge	Loudermilk	Roskam			

NOT VOTING—7

Carney	Engel	Lujan Grisham
Carter (TX)	Levin	(NM)
Clawson (FL)		Price, Tom

□ 1427

So the resolution was agreed to.
 The result of the vote was announced as above recorded.
 A motion to reconsider was laid on the table.

FIRST RESPONDER ANTHRAX PREPAREDNESS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1300) to direct the Secretary of Homeland Security to make anthrax vaccines and antimicrobials available to emergency response providers, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.
 The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.
 The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 9, as follows:

[Roll No. 485]
 YEAS—424

Abraham	Barton	Black
Adams	Bass	Blackburn
Aderholt	Beatty	Blum
Aguilar	Becerra	Blumenauer
Allen	Benishek	Bonamici
Amash	Bera	Bost
Amodei	Beyer	Boustany
Ashford	Bilirakis	Boyle, Brendan
Babin	Bishop (GA)	F.
Barletta	Bishop (MI)	Brady (PA)
Barr	Bishop (UT)	Brady (TX)

NOT VOTING—9

Carney	Foster	Lujan Grisham
Carter (TX)	Jones	(NM)
Clawson (FL)	Levin	Price, Tom
Engel		

□ 1435

Mr. SANFORD changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VA ACCOUNTABILITY ACT OF 2015

GENERAL LEAVE

Mr. MILLER of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and add any extraneous material in the RECORD on H.R. 1994, as amended.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 388 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1994.

The Chair appoints the gentleman from Nebraska (Mr. FORTENBERRY) to preside over the Committee of the Whole.

□ 1538

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1994) to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or

misconduct, and for other purposes, with Mr. FORTENBERRY in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. TAKANO) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

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

Mr. Chairman, my bill would provide the Secretary of the Department of Veterans Affairs with yet another tool to instill accountability, much-needed accountability at the Department of Veterans Affairs, by allowing him or her to remove or demote any employee for poor performance or misconduct.

The bill also contains language to protect—and let me say that again to the Members here on the floor, to protect—whistleblowers by stipulating that an employee may not be removed under this new authority if they have an open claim at the Office of Special Counsel until that claim is closed.

Now, to add even more protections for those who blow the whistle at VA, my bill would also set up a new process to be used in addition to any other process that is currently allowed by law, which would protect whistleblowers from retaliation by removal while they bring issues to light up through their chain of command.

My bill also makes changes to the Senior Executive Service performance evaluation system. It also allows the Secretary to recoup a portion of an SES employee's retirement benefits if they are convicted of a felony related to their work performance and limits paid administrative leave to 14 days within a 1-year timeframe for any VA employee. H.R. 1994, as amended, would also extend to 18 months the probationary period for all new VA employees to ensure a complete evaluation before offering permanent status.

Finally, Mr. Chairman, my bill requires that GAO do a study on time and space that is spent on union activities. I agree with all of my colleagues that a great majority of VA's employees are hard-working public servants who are dedicated to providing the quality health care and benefits that our veterans have earned, and I am sure that the majority of these employees who are dedicated to the mission of the Department are just as frustrated as most of us are that problem employees continue to be moved to new positions or placed in a corner as opposed to removing them from the payroll.

We have seen how the presence of poor performers and misconduct ranging from unethical practices to outright criminal behavior can spread like a cancer throughout the workforce. When the Secretary comes across this presence of poor performance or misconduct, as we have seen time and time again across our country, such as Phoe-

nix, Denver, central Alabama, Philadelphia, Los Angeles, in my home State of Florida, and in many other places across our Nation, it is nearly impossible to remove that cancer in a reasonable amount of time due to current civil service rules.

This is not just my view. A recent GAO study found that it can take 6 months to a year, or sometimes significantly longer, Mr. Chairman, to fire poor performing government employees. More telling, last month, VA's Deputy Secretary Gibson sat before our Committee on Veterans' Affairs and admitted that it was too difficult to fire a substandard employee. We should all agree that it defies common sense for it to take many months or even years to fire a poor performing employee at VA.

We, as Members of Congress, and the American citizens appreciate the sacrifices that our veterans have made and always argue that they deserve nothing but the highest quality care and treatment, but in my view, bad employees mean bad customer service and an impediment to the quality services that our veterans have earned. If we truly want for our veterans to have the very best, then the status quo simply is no longer acceptable.

I know there are concerns that this bill will hurt the Department's ability to recruit and retain good employees and hurt employee morale, but I think nothing could be further from the truth. The best way to improve morale is to get rid of the causes of the dysfunction that we currently see at the VA. Nobody enjoys working for an organization that fails to hold poor performance accountable, and the only employees the VA should want to recruit are those who want to work in an environment where they know everyone is respected and can be held accountable for their actions.

Some have also said that this bill is not needed because VA fires employees all the time, but the raw numbers, Mr. Chairman, just don't tell that story. Following a year in which we witnessed the biggest scandal in VA history, only three—let me repeat, three—employees of a workforce of over 340,000 people have been successfully fired for wait time manipulation. These numbers, or lack thereof, make it clear that more work needs to be done to turn the tide at VA and change the culture within the Department.

□ 1445

That is why this legislation is not punitive but is necessary if we truly want the Secretary to make the changes this Congress, the American people, and, most importantly, our veterans expect to see made.

I know that the unions oppose this and continue to compare my bill to current law in an attempt to illustrate what they think my bill is lacking, in their opinion; but comparing my bill to current law ignores the far too often egregious effects of current civil serv-

ice laws which have contributed to the scandals at VA.

Yes, the bill before us today is different from current law, because the current law needs to be changed, and that is what I and many of my colleagues are trying to accomplish with this legislation. Despite our attempts to reach a measure of common ground with the unions, they have made it clear from the beginning that pretty much anything but the status quo will not garner their support.

Well, we have proven that the status quo is not working. It is failing the mission of the Department of Veterans Affairs, and it is failing the veterans the VA is supposed to serve. Mr. Chairman, it is time for a change. The Secretary needs the ability to make real reforms, and he needs to be able to do it quicker than the current average timeline of 6 to 12 months to remove a single employee.

It has also come to my attention that the administration has recently come out saying that they strongly oppose the bill and could potentially veto it if it arrives at the President's desk; but this removal authority for all VA employees is modeled after the same authority provided in the Choice Act that was passed by the House and the Senate and signed by the President last summer, the same authority that, at the bill signing almost exactly this time last year, the President said: "If you engage in an unethical practice, if you cover up a serious problem, you should be fired . . . It shouldn't be that difficult."

Mr. Chair, I am not sure why the President has changed his position almost exactly a year later.

The voice of the unions should not be heard over the voice of our veterans. We need to continue to push for the same change we pushed for last year. Now is not the time to change our belief in the need for greater accountability within VA.

Our veterans still expect us to continue to advocate for them as more and more of VA's missteps are brought to light every single day, whether they are on the front page of the paper or not. We cannot continue to put the needs of employees whose performance or misconduct would not be tolerated in the private sector ahead of our Nation's veterans because we are scared of change or because we don't want to upset the unions.

Ladies and gentlemen, if we do not at least try to give the Secretary the tools he or she needs to hold VA employees accountable, then we as a Congress are just as culpable for any future VA failures as the antiquated civil service laws that foster those failures now.

There is not a doubt in my mind that all of my colleagues here today care for our Nation's veterans; but today, we can decide to stand with our veterans or we can decide to stand with the status quo, which I believe has failed them and the American public for far too long.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, July 27, 2015.

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

DEAR MR. CHAIRMAN: I write concerning H.R. 1994, the VA Accountability Act of 2015, as amended by the Committee on 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 April 23, 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, as amended.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 1994, as amended, 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 Congressional Record during floor consideration, to memorialize our understanding.

Sincerely,

JASON CHAFFETZ,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS AFFAIRS,
Washington, DC, July 27, 2015.

Hon. JASON CHAFFETZ,
Chairman, House Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN CHAFFETZ: In reference to your letter on July 27, 2015, I write to confirm our mutual understanding regarding H.R. 1994, as amended, the "VA Accountability Act of 2015."

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. 1994, 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. 1994, as amended. Finally, I will also support your request to include a copy of our exchange of letters on this matter in the Congressional Record during floor consideration.

Again, thank you for your assistance with these matters.

With warm personal regards, I am
Sincerely,

JEFF MILLER,
Chairman.

Mr. TAKANO. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to H.R. 1994. We are all frustrated that the VA is not moving fast enough to hold bad employees accountable, but I do not believe H.R. 1994 would lead to real, long-term accountability at the VA. In fact,

I believe it would have the opposite effect by possibly shielding poor-performing VA employees from ever being removed.

This bill violates longstanding Supreme Court precedent regarding our Constitution's promise of due process rights. Our Constitution guarantees that we cannot be deprived of life, liberty, or property without due process of law. Our veterans were willing to lay down their lives to defend this basic promise.

The Supreme Court of the United States has determined that our Constitution gives Federal employees the right to due process, meaning fair notice and a chance to respond, before losing their jobs. As lawmakers, we do not have the power to revoke this constitutional principle of fairness and due process for a select group of people, no matter how outraged we may feel. I believe it is wrong to assume that VA employees are guilty until proven innocent.

If H.R. 1994 were enacted, I believe courts could very well overturn any removals as a violation of those employees' due process rights. They could then reinstate and give backpay to those who were removed. Bad employees would become permanent fixtures at the VA.

We all agree that VA needs to use the current tools it has more vigorously to remove poor-performing employees, but we should not throw out important constitutional protections to arbitrary actions simply because some claim it is too difficult to follow the law or be faithful to our basic principles of fairness.

H.R. 1994 would provide a new tool to VA managers, but perhaps not the tool imagined by its supporters. Bad managers and political appointees would have the ability to threaten the livelihoods of honest VA workers trying to follow VA regulations and policy, thus reinforcing the culture of fear and reluctance to speak out against poor management or malfeasance at the VA. If these employees were fired, they would have very little opportunity to tell their side of the story.

H.R. 1994 would make VA the only at-will workplace within the Federal Government. Veterans desperately need our Nation's top doctors, nurses, and counselors to choose to work at the VA, and it is already hard enough to recruit them away from the private sector.

An article last week in USA Today found that VA has 41,500 unfilled medical jobs, "forcing vets into costly private care." Removing basic civil service protections—and basic fairness—would make VA an even less desirable place to work and add to these recruiting woes.

Keep in mind that over 30 percent of VA employees are veterans themselves. They deserve better than to find themselves in a workplace that strips them of basic constitutional protections—again, protections that they fought to defend.

This bill is nothing more than an attempt to destroy the civil service using the VA as a test case. It would empower the very individuals who have often perpetuated the worst VA scandals—VA managers—to threaten the livelihood of hard-working, frontline VA employees and silence the voices of the whistleblowers we rely on to tell us when something is wrong.

For all of our frustration with the VA, the continued existence of a nonpartisan civil service is vital if we are to fix the mess at the VA and provide our veterans with the benefits and services that we have promised them and that they have earned.

As the Merit Systems Protection Board has stated in a report from May: "Due process is available for the whistleblower, the employee who belongs to the 'wrong' political party, the reservist whose periods of military service are inconvenient to the boss, the scapegoat, and the person who has been misjudged based on faulty information. Due process is a constitutional requirement and a small price to pay to ensure the American people receive a merit-based civil service rather than a corrupt spoils system."

We should not, under the guise of "accountability," destroy one of the best tools we have to provide the benefits and services we have promised our veterans. That tool is a nonpartisan and nonpolitical VA workforce.

We need to take steps to protect the vast majority of the high-performing VA workforce from being fired at the whim of capricious or retaliatory managers or political appointees, not to make it even easier.

I believe H.R. 1994 violates our Constitution. The administration has issued a veto threat, and if enacted, H.R. 1994 would not stand up in a court of law. Ultimately, veterans would be harmed the most when courts overturn this policy and then reinstate bad employees at the VA.

Instead of scapegoating the vast majority of hard-working VA employees, Congress should look for real opportunities to reform our civil service in a manner that is constitutional, while providing adequate resources and better policies to provide outcomes at the VA.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, it is amazing that every single Democrat in the Congress last year voted in favor of the very same rules and regulations.

I yield 1½ minutes to the gentleman from Colorado (Mr. LAMBORN), from the Fifth Congressional District.

Mr. LAMBORN. Mr. Chairman, I rise in strong support of H.R. 1994, and I thank Chairman MILLER for bringing this critical issue to light.

Like the chairman, I am on the side of veterans, and we in this Nation have a sacred trust to take care of the men and women who have defended our freedom. Without accountability in the VA, we cannot properly care for our

veterans. While I believe the great majority of VA employees are dedicated and hard-working Americans doing the right thing for our veterans, there are those in the VA who have not acted in the best interest of our veterans, and these individuals must be terminated.

The fact that only three employees were successfully fired due to wait time manipulations is a disgrace. The current system is broken. Poor and mediocre performance that endangers our veterans should not be tolerated.

H.R. 1994 will help remove bad actors more easily from the VA system, enabling the remaining dedicated employees to better serve our veterans. The bill will protect whistleblowers.

Accountability in the VA needs to happen now, and I urge my colleagues to support H.R. 1994.

Mr. TAKANO. Mr. Chairman, may I inquire as to how much time is remaining?

The CHAIR. The gentleman has 23 minutes remaining.

Mr. TAKANO. Mr. Chairman, I yield myself such time as I may consume.

Just in quick response to my good friend, Chairman MILLER, bringing up the issue of the SES provision, yes, most of us did vote for the Choice Act, the provision that dealt with the SES reform to make it easier to fire those employees. That number of employees is a very small number. It is about 400. We are talking about addressing the entire 300,000-strong employees.

Let me just say that at the time I wish we had spent more time reviewing the constitutionality. I do believe the constitutionality of that action is also in question.

Mr. MILLER of Florida. Will the gentleman yield?

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

Mr. MILLER of Florida. I thank my good friend for yielding, but I would also say that the Constitution of the United States protects even a single individual. So to say that it is only a small group should not be anything in this discussion.

I would assure you that the President of the United States would have had ample time to be able to go through and review it before he signed it into law.

Mr. TAKANO. Reclaiming my time, let me just say that I believe the Constitution applies to the Senior Executive Service as well as all of the 300,000 employees of the Veterans Administration.

I yield 2 minutes to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Mr. Chairman, as a member of the House Veterans' Affairs Committee, I rise in strong opposition to H.R. 1994, the so-called VA Accountability Act of 2015.

We all agree on the importance of accountability for those who care for our Nation's heroes, but this is the wrong way to go about it. We are indeed throwing out the baby with the bathwater.

My colleagues have outlined a number of reasons to oppose this legislation, including questionable constitutionality, the elimination of long-standing and important due process procedures for employees, and the damage it would do to whistleblower protections; but I would like to focus on the big picture, on the impact this will have on VA employees, many of whom are veterans themselves, and on our efforts to recruit the best employees possible to serve our veterans.

□ 1500

This legislation takes VA employees, from janitors who clean the facilities and guards who protect the hospital, to the nurses caring for our Nation's heroes and the doctors providing critical care for our veterans, and moves them into second-class status.

If H.R. 1994 passes, we will create a two-tiered Federal system, with VA employees less respected, less rewarded, and less protected than others. The VA already struggles to attract the best and brightest to serve our Nation's heroes. If this legislation passes, we will make it even harder to recruit and retain the most qualified and best trained workforce at the VA.

I know this because, in Las Vegas, we face challenges to fully staff our brand-new state-of-the-art hospital, and if the bill passes, we will lose an important recruitment tool, and our veterans will be the ones who are hurt.

Let's not fool ourselves here. This is just another piece of the Republican agenda to demonize public employees and privatize government services. Today, it is the VA. Tomorrow, it will be another agency that they don't like—who knows, the EPA, the TSA, the FAA, the USDA.

I urge my colleagues to oppose this legislation. Don't "Scott Walkerize" the Federal Government.

Mr. MILLER of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS), vice chairman of the full committee and my colleague from the Second Congressional District of Florida.

Mr. BILIRAKIS. Mr. Chairman, I rise today to support the VA Accountability Act. The brave women and men who return from serving our country should be able to receive timely access to quality care. Our veterans have earned our respect and admiration.

In general, I believe that most employees at the VA are dedicated to our Nation's heroes. However, a culture of mediocrity has permeated the VA. Too many employees who perform terribly are not fired.

This bill before us today will allow the VA Secretary to fire employees more easily, but the heart of this issue is about the quality of care for veterans. If bad actors stay at the VA, that hurts veterans.

Opponents speak in hypotheticals, but hypotheticals mean nothing in the face of overwhelming evidence. We know about the real negligence that

goes on unpunished. This is a disservice to those who have borne the battle.

The Washington Post reported on a VA employee who took a veteran seeking treatment for drug abuse to a crackhouse in a government vehicle and left the veteran there overnight. Sadly, it took over a year to fire that employee. That is inexcusable.

According to the VA data given to the committee, only three VA employees have been fired since the Arizona wait time scandal, specifically for data manipulation. That is unreasonable.

This bill is needed because our Nation's heroes deserve better. That is the bottom line. We must protect our veterans. Support this bill.

Mr. TAKANO. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I want to start by saying I am in opposition to this accountability bill, but I want to commend the chairman and the ranking member and the rest of the members of the Veterans' Affairs Committee. I think you have done a good job—and I don't come up here and say that too often—because you have made it bipartisan.

Now, what possessed you to bring this bill to the floor and use the word "accountability," I am trying to figure that out because we want accountability. I am a veteran, and I have fought.

I have got a record for 18 years, in the forefront, running point on veterans issues, from waiting for so darn long to get an appointment, to the latest problems we have had in the VA concerning addressing our TBI patients and our post-traumatic stress disorder patients. No one is more disappointed than me in what transpired in the VA last year.

As a vet, I was proud to support the bipartisan VA reform legislation that became law in response, but this bill isn't about making the VA better or ensuring better care and treatment for our veterans.

This bill is about trying to score some political points, an underhanded attempt to strip VA employees, and I don't think you really want to do that, but that is the result.

Mr. MILLER of Florida. Will the gentleman yield?

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

Mr. MILLER of Florida. Did you vote for the Veterans Access Choice and Accountability Act last year?

Mr. PASCRELL. Yes, I did.

Mr. MILLER of Florida. This language is the same language that was in there. It does not take away the rights that you say are being taken away. You voted for the same thing last year.

Mr. PASCRELL. Reclaiming my time, in the context of what we did a year ago and the context of what is now under the guise of accountability is very different to me. I read both bills, the one we voted on last year and this bill.

There is important workplace protections that do not exist in this bill, and that is my position. We cannot start off by blaming unions, blaming the VA.

We have been through this before. There are some bad actors there. We are trying to get rid of them, and I want to get rid of them faster than you want to get rid of them, but I don't want to take down the whole group.

We paint with a very wide brush. We have done this with other Federal agencies. The reality is that the civil service protections available to these employees and all other Federal employees actually protect whistleblowers—that is in the law already—and allow them to come forward when they see wrongdoing, without fearing some retaliation.

Whistleblowers were how we discovered the problems, Mr. Chairman, in the first place. That is how we found out about what was going on in Phoenix and in some other places. Correct me if I am wrong; I think you will agree with me.

I agree that poorly performing employees have no place at the VA—or any other Federal agency for that matter. We agree on both sides of the aisle. We can't—as some have said, you guys are in favor of the vets, and we are not in favor of the vets.

Come on. We are away from that. We did that 15 years ago. That didn't work.

I agree that poorly performing employees have no place at the VA—or any other Federal agency, not just this one. This demonization of government employees that my colleagues are spearheading does not encourage productive work and, frankly, is just plain wrong.

I urge my colleagues to oppose this legislation. We are not going to make these folks any more accountable by demonizing the work.

By the way, just as you can't have community policing without police, you have got to understand, you cannot have service with thousands and thousands of positions being vacant because you don't want to spend the money.

That is at one of the cores; it may not be the most fundamental reason. That is one of the reasons at least why we can't provide service.

The Acting CHAIR (Mr. BYRNE). The Committee will rise informally.

The Speaker pro tempore (Mrs. WALORSKI) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

VA ACCOUNTABILITY ACT OF 2015

The Committee resumed its sitting.

Mr. MILLER of Florida. Mr. Chairman, I don't believe I have mentioned

the unions one time, but I now think I understand why the disparity in the vote. The senior executive level that we passed the accountability for last year is nonunionized, and the people that we are talking about today are unionized.

I yield 2 minutes to the gentleman from the First District of Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Mr. Chairman, it is a pleasure to join my colleagues on the House floor today to speak in support of H.R. 1994, the VA Accountability Act, as amended.

I would like to begin by noting that most of the VA's 300,000-plus employees are honest, hard-working folks who get up every day and go to work with the sole intention of helping our veterans, just as they do at Mountain Home VA Medical Center in my hometown of Johnson City, Tennessee.

With the scandals at the VA medical centers and reports of whistleblower retribution, it has become evident that there are more bad apples than we would like to believe.

The VA Accountability Act would provide the flexibility necessary for the Secretary of Veterans Affairs to remove these bad actors and send a message about the type of performance that we expect for our veterans.

Additionally, this bill would provide frontline employees with increased whistleblower protections from retribution from superiors and colleagues through the office of special counsel.

As a member of the Veterans' Affairs Subcommittee on Oversight and Investigations and as a veteran myself, I understand how crucial it is for whistleblowers to continue coming forward with allegations of mismanagement, misconduct, and outright negligence. If whistleblowers don't feel safe stepping forward, we will never, never be able to fix the problems at the VA.

I think it is important to note that nothing in this bill compels the Secretary to remove anyone. Let me say that again. Nothing in this bill requires the Secretary to remove anyone. It simply gives the Secretary the tools necessary to remove bad employees, which would be a welcomed authority, I would think.

Mr. Chairman, we must change the culture at the VA. As the second largest employing Department in the U.S. Government, second only to the Department of Defense, there are far too many bureaucratic hurdles in place to reasonably and responsibly manage it.

Just one thing about spending at the VA, Mr. Chairman, I have been on the Veterans' Affairs Committee since I have been in Congress, 6½ years. The budget is up 74 percent. We are spending the money. We need to spend it more wisely.

I urge my colleagues to support this legislation for our Nation's veterans.

Mr. TAKANO. Mr. Chairman, I am glad that my colleagues on the other side believe that we need to protect whistleblowers. It is precisely the at-

will nature, making all of the 200,000 employees of the VA at-will employees, which makes them more vulnerable to the caprices of managers and makes them less likely to want to come forward as whistleblowers.

I yield 2 minutes to the gentleman from Pennsylvania (Mr. CARTWRIGHT).

Mr. CARTWRIGHT. Mr. Chairman, I rise to oppose H.R. 1994, which seeks to transform 300,000 VA personnel to what we call at-will employees, capable of being fired based on anything, including their beliefs and not their merit necessarily. It effectively destroys the civil service as it is and as we know it at the VA.

Now, some jaded colleagues of mine would look at this bill and say it is just a clever attempt to drive a wedge between our Nation's veterans—all of whom we ardently support on both sides of the aisle—between those veterans and the civil servants who serve them at the VA and the unions that represent them.

This bill strips due process rights away from every nonmanagement VA employee, including over 100,000 veterans. That is the key, is that there are 100,000 veterans themselves affected by this bill; and they will lose rights as a result if this bill passes.

Now, H.R. 1994 will have a chilling effect on those willing to speak out, and that has been addressed amply heretofore, but I am here to say it goes beyond whistleblowers. Whistleblowers in this country have a lot of protections.

This goes beyond whistleblowers because, remember, a lot of the bad actors at the VA that have led to the Phoenix situation and the others that we have seen are management people.

Think of it. If we take away the due process rights of employees, not only who would serve as whistleblowers to blow the whistle on bad management conduct, but we take away their rights to due process before they lose their jobs; what we are doing to them is that we are perpetuating this culture of tacit compliance with bad actor managers at VA.

For example, if an employee simply doesn't want to go along with an improper and an unethical practice that a manager is asking him or her to do, that employee right now can say: No, I am not going to do it.

If we pass this bill and they refuse to do it, they can be fired for not doing it. This is not the way to serve our Nation's veterans.

Mr. MILLER of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. BENISHEK), chairman of the Health Subcommittee.

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Mr. BENISHEK. Mr. Chairman, today I rise in support of H.R. 1994, legislation to allow the VA Secretary to fire employees because of poor performance or misconduct. I want to thank Chairman MILLER for his strong leadership on this bill.

The VA Committee has been relentless in our pursuit of answers and accountability for our veterans since the