

A motion to reconsider was laid on the table.

VA REPORTING TRANSPARENCY ACT

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4613) to direct the Secretary of Veterans Affairs to establish and maintain a website of the Department that allows the public to obtain electronic copies of certain legislatively requested reports of the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4613

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 “VA Reporting Transparency Act”.

SEC. 2. REQUIRING PUBLIC ACCESS THROUGH DEPARTMENT OF VETERANS AFFAIRS WEBSITE TO LEGISLATIVELY REQUESTED REPORTS OF THE DEPARTMENT.

(a) REQUIREMENT TO ALLOW ACCESS ONLINE.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary shall establish and maintain a website of the Department that allows the public to obtain electronic copies of all legislatively requested reports required to be submitted after the date of the enactment of this Act.

(2) EXISTING RESOURCES.—To the extent possible, the Secretary shall carry out paragraph (1) by using existing online resources administered by the Secretary.

(b) CONTENT AND FUNCTION.—The Secretary shall ensure that the website includes the following:

(1) With respect to each legislatively requested report, each of the following:

(A) A citation to the statute requiring the report.

(B) An electronic copy of the report, including any transmittal letter associated with the report, that is platform independent and available to the public without restrictions, including restrictions that would impede the reuse of the information in the report. Where practicable, the report shall be in an open format.

(C) The ability to retrieve a report, to the extent practicable, through searches based on each, and any combination, of the following:

- (i) The title of the report.
- (ii) The date of publication.
- (iii) Any congressional committee or subcommittee receiving the report.
- (iv) The Act of Congress or conference report that requests the report.
- (v) Subject tags.
- (vi) A unique alphanumeric identifier for the report that is consistent across report editions.
- (vii) Any serial number, Superintendent of Documents number, or other identification number for the report.
- (viii) Key words.
- (ix) Full text search.
- (x) Any other information the Secretary determines appropriate.

(D) The date on which the report was required to be submitted to the website.

(E) The date on which the report was submitted to the website.

(F) To the extent practicable, a permanent means of accessing the report electronically.

(2) A means for bulk download of all legislatively requested reports.

(3) A means for downloading individual reports as the result of a search.

(4) In tabular form, a list of all legislatively requested reports that can be searched, sorted, and downloaded by—

- (A) reports submitted within the required time;
- (B) reports submitted after the date on which such reports were required to be submitted; and
- (C) reports not submitted.

(c) DEADLINE.—The Secretary shall ensure that information required to be published on the website under this Act with respect to a legislatively requested report submitted after the period under subsection (a)(1) is published not earlier than 30 days after the report is submitted and not later than 45 days after the report is submitted.

(d) NOTICE ON WEBSITE OF WITHHELD REPORTS.—If, at the time a requirement or request for a legislatively requested report is made pursuant to an Act of Congress or a conference report, Congress includes in such Act or conference report, as the case may be, specific language exempting the report from publication on a website under this section, the Secretary shall publish on such website the title of the report and notice that Congress exempted the report from publication.

(e) FREE ACCESS.—The Secretary may not charge a fee, require registration, or impose any other limitation in exchange for access to the website.

SEC. 3. RELATIONSHIP TO THE FREEDOM OF INFORMATION ACT.

(a) IN GENERAL.—Nothing in this Act shall be construed to—

(1) require the disclosure of information, records, or reports that are exempt from public disclosure under section 552 of title 5, United States Code; or

(2) impose any affirmative duty on the Secretary to review legislatively requested reports submitted for publication to the website for the purpose of identifying and redacting such information or records.

(b) REDACTION OF INFORMATION.—The Secretary may redact information required to be disclosed under this Act if the information would be properly withheld from disclosure under section 552 of title 5, United States Code, and shall—

(1) redact information required to be disclosed under this Act if disclosure of such information is prohibited by law;

(2) redact only such information properly withheld under this subsection from the submission of information or from any legislatively requested report submitted under this Act;

(3) identify where any such redaction is made in the submission or report; and

(4) identify the exemption under which each such redaction is made.

SEC. 4. REPORTS REQUIRED.

(a) RECURRING REPORTS THAT THE SECRETARY RECOMMENDS DISCONTINUING.—The Secretary shall submit to Congress a report regarding recurring legislatively requested reports that the Secretary recommends discontinuing not later than—

(1) 180 days after the date of the enactment of this Act; and

(2) two years after the date of the enactment of this Act.

(b) COMPLIANCE OF VA WEBSITE WITH FEDERAL STATUTES, REGULATIONS, RULES, AND GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report regarding the compliance of the website of the Department with Federal statutes, regulations, rules, and guidance regarding transparency for and access by the public and Congress, including requirements for links and information subject to section 552 of title 5, United States Code, and the Inspector General Act of 1978 (Public Law 95–452).

SEC. 5. DEFINITIONS.

In this Act:

(1) LEGISLATIVELY REQUESTED REPORT.—The term “legislatively requested report” means a re-

port to be submitted by the Secretary to either house of Congress or any committee of Congress or subcommittee thereof pursuant to—

(A) an Act of Congress enacted not more than eight years before the date of the enactment of this Act; or

(B) a conference report adopted not more than eight years before the date of the enactment of this Act.

(2) OPEN FORMAT.—The term “open format” means a file format for storing digital data based on an underlying open standard that—

(A) is not encumbered by any restrictions that would impede reuse; and

(B) is based on an underlying open data standard that is maintained by a standards organization.

(3) DEPARTMENT.—The term “Department” means the Department of Veterans Affairs.

(4) SECRETARY.—The term “Secretary” means the Secretary of Veterans Affairs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Tennessee (Mr. DAVID P. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on H.R. 4613, as amended.

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

There was no objection.

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

Madam Speaker, I rise today in support of H.R. 4613, as amended, which would require the posting of congressionally mandated reports of the Department of Veterans Affairs on the Department’s public website. The VA Reporting Transparency Act, introduced by Representatives ROSE and CISNEROS, will ensure easy public access to these reports.

Surprisingly, the Department of Veterans Affairs does not currently provide public access to many of its reports that are mandated by Congress. Rather than place its reports on its website, VA will often only transmit its reports to a few congressional committees, such as the House and Senate Committees on Veterans’ Affairs. By contrast, the VA Office of Inspector General posts its reports online within 3 days of completion.

This legislation would allow veterans and the public to access these reports online, which contain critical information about agency activities and the effectiveness of services.

It would also improve accountability. For example, in 2019, VA provided reports to Congress on the activity of the Office of Accountability and Whistleblower Protection and on veterans being the target of Social Security fraud.

Americans should know what actions the VA should be taking to protect VA whistleblowers and what VA has done to prevent the fraudulent use of veterans’ Social Security numbers. These

reports contain valuable information that should be made available to the public.

Madam Speaker, the bill is supported by the American Legion, Veterans of Foreign Wars, and Disabled American Veterans. I urge all of my colleagues to support H.R. 4613, as amended, and I reserve the balance of my time.

Mr. DAVID P. ROE of Tennessee. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 4613, as amended, the VA Reporting Transparency Act. This bill would require the Department of Veterans Affairs to make all of VA's congressionally mandated reports available on the Department's website.

During the committee markup on this bill, I registered my concern that this bill had not gone through regular order. Congress has not, to my knowledge, required any other Federal agency to publish congressionally mandated reports.

The concept of making congressionally mandated reports available is not, on its face, objectionable. However, we cannot always see the downstream consequences of a policy.

When the committee holds legislative hearings, we get an outside perspective on legislation from important stakeholders and can identify problems or potential enhancements that may not be readily apparent to lawmakers.

Madam Speaker, I would like to reiterate that our committee's work—and, by extension, our Nation's veterans—benefits from regular order, and I urge our committee to return to it.

That said, I thank the chairman for supporting an amendment I offered during the markup of this bill to address three concerns I had:

First, my amendment clarified that the requirement for VA to post reports would apply prospectively in order to avoid requiring VA to publish past reports.

Second, my amendment gave Congress 30 days to review the report before VA publishes it on the website. The Government Accountability Office gives us such a courtesy to review, and I believe the same courtesy is appropriate here.

Finally, my amendment clarified that Congress can, at the time of mandating the report, exempt it from publication. I was concerned that, as written, it was unclear when a report could be withheld, and I wanted the Congress mandating the report to make that decision.

With those changes, I believe the bill will result in a more transparent and publicly accessible VA. I encourage my colleagues to join me in supporting it, as amended, and I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. ROSE), my good friend and member of the Veterans' Affairs Committee, and also a member of the Oversight and Investigations Subcommittee and author of H.R. 4613.

Mr. ROSE of New York. Madam Speaker, I thank Chairman TAKANO for his extraordinary leadership and this opportunity, and I thank the gentleman from Tennessee, Ranking Member ROE, for always putting veterans first.

I rise today in support of H.R. 4613, the VA Reporting Transparency Act.

As my fellow veterans know, the VA is unparalleled in its commitment to serving our veterans, and that goes from our nurses to our physician assistants, our doctors, our VA police officers, and many other folks, veterans, themselves, who spend each and every day working at the VA. That certainly holds true for the VA in my district, New York's 11th Congressional District.

But for the largest integrated healthcare system in the United States and for an agency that holds the lives of our Nation's heroes in their hands, we must ensure accountability. Let's be very clear: There is no accountability without transparency.

When Congress mandates that the VA produce reports on the staffing levels of their nurses or how the VA prevents fraud, waste, and abuse or how the Office of Accountability and Whistleblower Protection truly keeps our VA employees safe, this information is useless if it is not made available to the general public in an accessible manner.

It is valuable to the nearly 9 million veterans enrolled in VA healthcare, and it is valuable to every American who wants to make sure that their tax dollars are being used for the best possible care that our veterans deserve.

That is exactly why I introduced this bill, the VA Reporting Transparency Act, which requires that the VA have public access to the legislatively requested reports that they produce. This access must be free, without any registration or limitations required, and the report must be posted no later than 45 days after it is submitted.

This is a no-brainer. It is common sense. It is an opportunity for the VA to set a precedent that other Federal departments will follow.

We made a promise to our soldiers that, when they came home, we would be there for them. This bill is a perfect case in point for how we can do just that.

Madam Speaker, I would like to thank my colleagues on the House Veterans' Affairs Committee, Congressman GIL CISNEROS from California and Congressman GREG STEUBE, a fellow Army vet, for their support of this legislation, and I urge my colleagues to support it.

Mr. DAVID P. ROE of Tennessee. Madam Speaker, I yield myself such time as I may consume.

You heard the old saying that the best disinfectant in the world is sunshine, and I could not agree more with that. I appreciate my colleague, Congressman ROSE from New York, for bringing this legislation forward. I

think it will allow everyone to see the reports that we see in a timely fashion.

I strongly encourage my colleagues to support it, and I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, I urge all of my colleagues to join me in passing H.R. 4613, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, H.R. 4613, as amended.

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

A motion to reconsider was laid on the table.

PROTECTING BUSINESS OPPORTUNITIES FOR VETERANS ACT OF 2019

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 561) to amend title 38, United States Code, to improve the oversight of contracts awarded by the Secretary of Veterans Affairs to small business concerns owned and controlled by veterans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 561

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 "Protecting Business Opportunities for Veterans Act of 2019".

SEC. 2. LIMITATIONS ON SUBCONTRACTS UNDER CONTRACTS WITH SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS.

(a) IN GENERAL.—Section 8127 of title 38, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

“(k) LIMITATIONS ON SUBCONTRACTING.—(1)(A) The requirements applicable to a covered small business concern under section 46 of the Small Business Act (15 U.S.C. 657s) shall apply with respect to a small business concern owned and controlled by veterans that is awarded a contract under this section.

“(B) For purposes of applying the requirements of section 46 of the Small Business Act (15 U.S.C. 657s) pursuant to subparagraph (A), the term ‘similarly situated entity’ used in such section 46 includes a subcontractor for a small business concern owned and controlled by veterans described in such subparagraph (A).

“(2) The Secretary may award a contract under this section only after the Secretary obtains from the offeror a certification that the offeror will comply with the requirements described in paragraph (1)(A) if awarded the contract. Such certification shall—

“(A) specify the exact performance requirements applicable under such paragraph; and

“(B) explicitly acknowledge that the certification is subject to section 1001 of title 18.