United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163 WASHINGTON, THURSDAY, MARCH 16, 2017 No. 46

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 3, 2017, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

WAITING FOR CENSURE, DENUNCIATIONS, AND REBUKES

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. GUTIÉRREZ) for 5 minutes.

Mr. GUTIÉRREZ. Mr. Speaker, I use Twitter and have about 65,000 followers, which is pretty modest by Trump standards; but my staff is smart enough to keep the launch code secret from me so that when I say something, we find the right words to express what I want to say, and occasionally, very occasionally, I have a chance to cool down before I fire off a tweet. But this week we learned that one of our colleagues doesn't have a reasonable staff person who helps him think through his tweets.

On Sunday, STEVE KING of Iowa tweeted out his love and praise for the anti-Muslim nationalist candidate in Holland who is running on an explicitly White supremacist platform; anti-immigration, anti-Islam, anti-refugee, anti-people of color. This candidate is the full White nationalist package. And apparently, KING and Geert Wilders are very good friends.

In his tweet, Representative KING says: ''Wilders understands that culture and demographics are our destiny. We cannot restore our civilization with somebody else's babies.''

Let that sink in for a moment.

In context, what it means is: A, STEVE KING believes Western civilization is under attack by outsiders; and, B, those outsiders can never be assimilated or be considered part of our civilization.

God knows what Representative KING would think of my grandson who likes to tell me that in this arm he is Puerto Rican and in this one he is Mexican. But he says: ''Grandpa, right here, I am 100 percent American.''

You think: My grandson, yeah, he is right, and the Congressman from Iowa is wrong. I think my grandson is every bit as American as STEVE KING or I am.

I was born during Jim Crow, when separate but equal was the law of the land. But during my lifetime, we fought segregation and racism, and my daughters have been fighting it even more in their generation, so that exclusion, segregation, and racial hatred are no longer the law of the land.

Now, at least as far as I am concerned, my grandson, who was born in America, is an American, whether STEVE KING likes it or not. Born in Illinois, he is not someone else's baby. He is 100 percent American. He is part of our civilization, and he is the future of America, along with STEVE KING's grandchildren.

Just to be clear, Representative KING's message was warmly received and retweeted by none other than David Duke, the grand wizard of the Ku Klux Klan, who has been a very proud Republican candidate on numerous occasions.

Duke said: ''Just in case you were thinking of moving, sanity reigns supreme in Iowa's Fourth Congressional District,'' and, ''God bless STEVE KING.''

Oh, but Representative KING was not done. He is never done. He did an interview with an Iowa talk radio show where he discussed ''the plan'' of television anchorman Jorge Ramos to make White people the minority in America, causing KING to respond that: ''I will predict that Hispanics and the Blacks will be fighting each other before that happens.''

So what happens when a Member of Congress makes racist remarks? Is he censured? Are his words taken down? Is he rebuked by the leaders of his party?

If he traveled somewhere without getting permission or he accepted a gift without prior approval of Congress, he would be punished. He might even get censured or called out in some way.

But for making racist comments, for supporting a racist candidate in someone else's election, or for saying things that receive high praise from David Duke and the KKK, nothing is going to happen. I have not heard leaders in the Republican Party scrambling to say that STEVE KING does not represent their views on race, religion, diversity, and the threat that ''somebody else's babies'' pose to American civilization.

A friend of mine in Chicago asked me what I thought was going on when a Member of Congress says such hurtful, xenophobic things, calling, essentially, on Black and Brown people to join in a race war.

The answer is that people like Representative KING feel empowered: empowered by the presence of Steve Bannon, Stephen Miller, Jeff Sessions; empowered by a President who wants us all to fear Muslims, fear Mexicans, and, frankly, fear all Latinos, even my American-born grandson.

This is what happens when American men and women remain silent. When we do not stand up to the bully, the racist, the nationalist, they get more and more empowered. They get more and more empowered, and their actions become more and more normal.

Well, saying that Black and Brown people will be fighting each other and

Printed on recycled paper.

saying that non-White people are somehow somebody else's children and not our children—the children of a nation that believes all men are created equal—well, that is not normal, and the American people will not accept the silence of the majority party when one of their own speaks out in this way.

I am waiting for the censure, the denunciations, and the rebukes. But I suspect I will be waiting a long time.

25TH ANNIVERSARY OF ISRAELI EMBASSY BOMBING IN ARGENTINA

The SPEAKER pro tempore (Mr. JODY B. HICE of Georgia). The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, tomorrow we will, sadly, commemorate the 25-year anniversary of the terrorist bombing against the Israeli Embassy in Buenos Aires, Argentina, which occurred on March 17, 1992. The terror attack also destroyed a Catholic church and a nearby school.

Twenty-nine people lost their lives in this horrific attack, including Israeli diplomats and their spouses, a Catholic priest, and Argentinian citizens, many of whom were children; and nearly 250 others were wounded.

Two years later, on July 18, 1994, over 80 people were murdered in a similar terrorist bombing at the building of the Jewish community organization, also known as AMIA, in Buenos Aires.

These two attacks had many similarities, Mr. Speaker: many innocent people lost their lives or were severely injured; Israelis and Jews were the main target for these horrific attacks; and, unsurprisingly, Iran, the world's foremost state sponsor of terror and its terror proxy group, Hezbollah, were responsible for these attacks.

Yet here we are, 25 years after the Israeli Embassy bombing and 23 years after the AMIA attack, and those responsible for those cowardly acts have yet to be brought to justice.

It hasn't been for lack of evidence, Mr. Speaker. In fact, the Supreme Court of Argentina found that the Iranian-backed—U.S.-, Israel-, and Arab League-designated—Lebanese-based terror group Hezbollah was responsible for the embassy bombing. A preponderance of evidence shows that Iran directed, financed, and assisted Hezbollah in the commission of the terror attack.

Buenos Aires also called for a special prosecutor to investigate the AMIA bombing and appointed special investigator Alberto Nisman to the case. As a result, Argentina issued international arrest warrants for nine Iranian officials in connection with the AMIA bombing after Nisman determined that Iranian proxy Hezbollah was responsible for this heinous act.

Mr. Nisman's commitment to the rule of law and the fight against corruption and terror was unwavering. I had the honor and privilege to call Alberto a friend and speak with him frequently to discuss the case and Iran's role in these barbaric attacks.

Sadly, Mr. Speaker, Alberto was found dead in his apartment in Argentina on January 19, 2015, under mysterious and suspicious circumstances. In December 2015, President Macri made a bold statement, a decision, to create a special prosecutor to investigate Nisman's death, which hopefully will not only uncover the truth surrounding his death, but also could vindicate the work for which Alberto dedicated and maybe even gave his life.

We can honor Alberto's legacy by continuing his work to hold those responsible for the terrorist bombings 25 years ago against the Israeli Embassy in Buenos Aires and the AMIA bombing in 1994. That is why I am introducing a resolution today alongside Chairman ROYCE, Ranking Member ENGEL, TED DEUTCH, JEFF DUNCAN, and ALBIO SIRES, all of whom lead the way in holding Iran accountable for its cowardly acts of terror.

This resolution, Mr. Speaker, expresses support to the Government of Argentina for its investigation into the terrorist bombing of the Israeli Embassy on March 17, 1992, as well as the AMIA bombing on July 18, 1994. The resolution also commends President Macri for appointing a special investigator in December of last year to examine the 1994 AMIA terrorist attacks.

We are calling on our own government to assist Argentina in any way possible to ensure that perpetrators are brought to justice. We also urge responsible nations to work together to fight and defeat international terrorism and its state sponsors like Iran.

I urge all of my colleagues to support this important resolution, to take a moment today to remember those who suffered in Hezbollah's barbaric terrorist attack, and to continue to press those responsible to be brought to justice.

Lastly, Mr. Speaker, I would like to acknowledge and personally thank the Argentine Ambassador to the U.S., Martin Lousteau, for being here in the gallery this morning. The Israeli Ambassador to the U.S., Ron Dermer, is represented by Reuven Azar, Deputy Head of Mission at the Israeli Embassy, who was actually born in Argentina. I thank them for being here this morning.

I urge this investigation to go forward with U.S. support as well. I thank them so much, and let us remember the victims of these dastardly attacks today.

SPEAKING AGAINST THE AMERICAN HEALTH CARE ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, in the aftermath of the November election, it has been exciting to watch the unprecedented outpouring of citizen concern, activism, and, in some cases, outrage. America is finding its voice so Congress can find its spine.

Most recently, the people are demanding Congress be held accountable for the outrageous efforts on behalf of Republicans to dismantle the Affordable Care Act, forcing more expensive coverage for insurance plans that will not be as good and breaking the Trump promise of better, more affordable health care.

It has become clear that the Republican plan would force older Americans between the ages of 50 and 64 to pay 60 percent more for their health insurance coverage.

The Republican plan also seeks to unwind the life-changing expansion under Medicaid that has provided care for the poor, disabled, and lower income and helps people with mental illness and opioid addiction.

Wildly increasing the ranks of the uninsured and lowering the quality of care and affordability is so unacceptable to the American public that it is exposing deep divisions within the Republican ranks.

The wrecking crew is being slowed as public awareness and citizen action spread across the country. This morning, the American public has drawn a new assignment: to resist the Trump budget. It is shocking in its reckless cuts to programs that Americans hold dear.

□ 1015

What does it say that the cuts proposed to the Environmental Protection Agency are so extreme that even the EPA Administrator, Scott Pruitt, who has made a career out of attacking the EPA, found it too brutal even for him?

The unnecessary expansion of some defense spending, especially the trillion-dollar spending spree that we are embarking on for new nuclear weapons, is completely out of sync with our real defense needs and slashing vital State Department programs that enhance our security.

Trump would not just impose shocking reductions on peacekeeping and humanitarian action, but he would deny the State Department the ability to exercise soft power. This compromises our national security interests and leaves us less safe.

Critical and widely supported life-saving medical research efforts will be slashed, reversing years of bipartisan effort to enhance medical research to fight disease, illness, and disability.

At a time of housing crisis across the country, some of the few Federal tools to increase affordability and combat homelessness are being cut away.

This budget disaster would even zero out Federal support for public broadcasting, even though it represents just a tiny sliver of Federal budget and supports a vital public service. Public broadcasting is supported by an overwhelming majority of Americans, even those who voted for Donald Trump. Appallingly, those cuts would punish

rural and small town America that are more dependent than anybody else on public broadcasting support to be able to maintain that service.

The people who are resisting this reckless administration have this new assignment: resist the budget; make clear to their representatives that it should be dead on arrival; that decades of bipartisan support for vital programs to protect the environment, human services, international humanitarian interest, medical research, even public broadcasting will not be tolerated.

People are making a difference, but America needs all of us to find our voice so that Congress does its job.

PENN STATE EXTENSION IS A VALUABLE SERVICE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to commend the efforts of Penn State Extension, which is an educational network that gives the people in Pennsylvania's 67 counties access to the university's resources and expertise, especially its agricultural resources as a land-grant university.

Cooperative extension services began in 1914. The Smith-Lever Act established a system of cooperative extension services connected to the land-grant universities in order to inform people about the current developments in agriculture, home economics, public policy and government, leadership, 4–H, economic development, coastal issues, and many other related subjects. It helped farmers learn new agricultural techniques by the introduction of home instruction.

Since its inception, it has been focused on informal, noncredit adult continuing education. Thus, cooperative extension is not a service, but a scholarly content-driven educational mission of the university. This program is funded by the U.S. Department of Agriculture, State, and county governments. Through these county-based partnerships, Penn State Extension educators, faculty, and local volunteers work together to share unbiased, research-based information with local residents.

Penn State Extension can help you become a master gardener. It helps teach families how to prepare and preserve food safely. It can help you learn about how to start a home-based business or how to properly prepare tax forms. Penn State Extension helps individuals, families, businesses, and communities throughout Pennsylvania with information and a broad range of educational programs.

Everyone in the community can tap into the assets and information of our major research university, and there are numerous ways to learn. You can attend an educational event, take an online course, read a publication, or speak face-to-face with an extension educator. There is no shortage of learning opportunities with Penn State Extension.

Mr. Speaker, this is just one way that Penn State is extending knowledge and improving the quality of life for all Pennsylvanians. The programs are very localized and touch every county in the State through 21 separate districts. Extension is particularly helpful to farmers and those involved in the agriculture industry, which is Pennsylvania's number one economic driver.

Whether you are a beginning farmer or you have a few years under your belt, it is good to know you are not in the farming world alone. Extension activities can help connect you with others to share ideas, trials, and tribulations. In fact, Federal cooperative extension programs have helped more than 137,000 farmers stay in business just since 1985. Without cooperative extension and the underlying research, researchers have estimated that the country would have lost 28 percent more farmers than those who actually left agriculture.

Who would feed us? Who would provide that food, fiber, building materials, even forms of energy that our farmers and farm families do today?

By design, extension is locally directed and responsive to the needs of local communities. I am grateful that Penn State is one of those land-grant universities and can offer this service to the public. It helps keep our local farmers abreast of the most up-to-date information that impacts the industry and impacts the lives of families. It helps promote lifelong learning and provides invaluable support and assistance to our communities. That is something for which we can all be very proud.

AN IMMIGRANT STORY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. KENNEDY) for 5 minutes.

Mr. KENNEDY. Mr. Speaker, I rise to share the story of a family that I have come to know. They came from a humble place, scraping by. Amidst instability in their native land, they could barely keep food on their table. For years, their government ignored their struggle and suffering. Like so many others, they dreamed of a better life in America.

Finally, they managed to cobble together enough money to make the dangerous journey to our shores. Yet, once here, they discovered that life wasn't so easy. They were resented for their accents, their faith, and their foreign ways. Doors were slammed in their faces when they sought work.

So they worked harder. They leaned on each other and those who came before. They forged a community and they organized. They built churches, businesses, and schools. Slowly but surely, they began to enjoy some measure of success and stability.

Mr. Speaker, I am sure that there are Garcias or Asgaris or Rodriguezes that share that same story, but the one I tell is not theirs.

This family's name is Kennedy. Struggling immigrants whose quest for a better life took them from Ireland's potato famine to Boston's immigrant barrios. It is the ageless story of a young man looking for a better future, of a family in search of a safe place to settle down, of the sacrifice that any parent would make for the benefit of their children. And it has been repeated millions of times in every corner of our world in the over 150 years since my ancestors fled their home to find a new one.

My father has a memory of my great-grandmother, Rose, that he shared with me once. He was playing outside with friends one day when she called him in. As he fidgeted around and impatiently tried to sit still, she pulled out a big scrapbook and flipped to a stack of carefully folded newspapers in the back. One after another, she opened them up to the help wanted section. There, she pointed to ad after ad marked in big block letters: No Irish need apply.

My great-grandmother's message was clear: Don't forget where you came from, don't forget the blood and the sweat and the tears that generations before you have shed so that you would never feel the sting of prejudice.

For my family and so many others, this became a deeply personal fight. In July of 1964, a young Attorney General named Robert Kennedy sat in front of the House Judiciary Committee. There, my grandfather urged Congress to act on immigration reform. Our system, he said, ''is a source of embarrassment to us around the world, it is a source of anguish to many of our own citizens, it is a source of loss to the economic and creative strength of our nation as a whole, it is inconsistent with our principles and out of step with our history.''

The opposition that he and other advocates have faced half a century ago sounds eerily familiar to so many of us today: Immigrants will flood our cities and towns. They will take American jobs. They will poison American culture. They aren't from here. They aren't like us. They are somebody else's babies.

Fifty years later, the opposition still hasn't updated their talking points. Fifty years later, our broken immigration system is still a source of embarrassment, but worse, of anguish and of loss. Fifty years later, we face a threat unlike almost any we have seen in recent history: a President who has built an entire campaign—and now an administration—on the scapegoating of immigrant families.

We have watched President Trump threaten our most fundamental American values with border walls and bad

hombres. We have heard his racial epithets. We have seen cold-hearted executive orders. We have stood in horror as his administration sweeps the country with raids that appear unprecedented in their utter disregard for family, community, and common decency.

That is why I stand here today, on the eve of St. Patrick's Day, the proud son of Irish immigrants and the humble beneficiary of our country's golden doors, to deliver a message to immigrant families: President Trump does not speak for all of us, and his immigration policies are opposed by leaders in Washington who do not take your patriotism for granted. We are grateful for your contribution to our communities, our culture, and our economy. We understand your willingness to walk to the ends of the Earth, to navigate oceans and mountains and deserts and war zones because every parent would do the same. We know what you have risked to give them a better future and what you have sacrificed to be a part of our United States. We stand by your side in the fight ahead.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

THE NEED FOR IMMIGRATION REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. COSTA) for 5 minutes.

Mr. COSTA. Mr. Speaker, I rise today to speak about the need for bipartisan and comprehensive immigration reform. I am disappointed by President Trump's actions on immigration during his first 2 months in office. I do not say that lightly, because I want this President to succeed, as I want every President to succeed, because if they succeed, so does our country.

But the President's comments and actions to implement policies that don't hold up American values has me feeling very uneasy. To say the least, his erratic statements made on domestic and foreign policy, that he has either taken back or corrected, demonstrates a lack of diplomatic experience. For example, issuing an executive order to build a wall on the U.S.-Mexican border is not a real solution to fixing our broken immigration system. It does little, if anything, to improve our national security, and it would only hurt trade relations with Mexico, which would have a very serious economic impact not only on American exporters, but especially California's agriculture industry.

Additionally, the Trump administration's directives to deport undocumented immigrants, regardless of how long they have lived here and the contributions they have made to our society, is a strong example of the President's implementing policy that not only is flawed from a human rights perspective, but it is going to have a negative impact on our economy as well.

President Trump is forcing over 11 million individuals who have lived in the United States for decades deeper into the shadows of our communities. They are scared to go to work, scared to go to school, and scared to live their lives. California's agriculture industry relies heavily on a workforce of individuals who are undocumented and work every single day to accomplish the American Dream for themselves and their families. These individuals are not only contributing to the agriculture industry, but they are also students, entrepreneurs, and businessowners.

Furthermore, implementing an executive order to ban travel to the United States is not the American way. As many people in my district are aware, President Trump's first travel ban prohibited a 12-year-old girl, Eman, and her U.S. citizen father from coming home to the United States, and his order put them in harm's way while they waited in Djibouti.

□ 1030

Last month, a Federal appeals court ruled to block that executive order travel ban. Four weeks ago, father and daughter finally came back to Los Banos to rejoin their family.

Our President and his team had to go back to the drawing board, as we know, to issue a new executive order. And just last night, his second executive order to ban travel was blocked.

The Trump administration claims that the flawed executive orders are:

One, a vital measure for protecting national security;

Two, work to improve the vetting process; and

Three, that the United States has a right to vet people who are entering the country and keep people out who are doing us harm.

I agree that we need to work together to protect national security. The Federal Government is obligated to keep our country safe and vet people who enter this country. And guess what? Thorough and rigorous vetting policies are already in place, and they have been going back to the Bush administration ever since 9/11. That is nothing new. My office receives casework on a weekly basis regarding visas that are being extremely vetted and individuals who are waiting for years to get the proper visa to come to this country. That is extreme vetting.

I strongly encourage the President to work with us in Congress and implement a policy that actually strengthens our national security, upholds our national security, and upholds our American values that we all cherish. Working together on a bipartisan basis, we can fix our Nation's broken immigration system. Working together, we can make important investments in our infrastructure, and we should. Working together, we can reform our tax system so it is simple and fair. Working together, we can negotiate a farm bill that provides benefits for all Americans. Working together, we can fix the Affordable Care Act.

Clearly, in regards to the ACA, my Republican friends have decided to go at it alone. That is too bad.

I stand ready to work with the President on a bipartisan basis on all of the above, but the President must reach out. I sincerely want our President to do well because that is what is in the best interest of our country, as I want every American President to do well. But it will not happen. It will not happen, my colleagues, my friends, unless we work together.

MASSIVE TAX BREAKS FOR THE WEALTHY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, over the last 7 years, we have heard a lot from the Republicans about repeal and replace. They voted some 67 times to repeal the Affordable Care Act, which they call ObamaCare.

We have seen their so-called replacement plan. Actually, it is a plan to gut the Affordable Care Act and stuff through massive tax breaks for the wealthy. What is new? That is the number one, two, and three priority of the current Republican majority here in the House of Representatives.

They got an analysis Monday. It was a little discouraging, but not really. The Speaker touted the fact it would reduce the deficit by $377 billion. Sure, if you take away health care from 24 million people, you can save some money on that end, but you lose a lot on the other end with families going bankrupt. The most frequent cause of bankruptcy in America was an uninsured healthcare emergency before the Affordable Care Act.

Small rural hospitals will be closing their doors all across America if this bill goes through. And even the larger hospitals, having to give more uninsured care to people in crisis, will be having to jack up prices, and, of course, that means higher premiums for everybody else. Back to the good old days of freedom to choose. In this case, their freedom to choose bankruptcy, or death, or who knows what else, under this plan.

They have really painted a target on older Americans. They are going to allow the healthcare insurance industry—which, by the way, is exempt from antitrust law, so it is not competitive. They keep saying: Competition and choice. How do you have competition when an industry does, and is, allowed to collude to set prices to exclude certain areas or people from coverage or certain diseases from coverage? They can do that all behind closed doors. It is legal for that industry. And they will not include a provision to take away their antitrust immunity as part of this bill.

So they are going to allow insurance companies to charge anybody age 50 or

older five times the premium for a younger person. Now, let's look at, say, a modest income of a 21-year-old of $27,000 a year. They will actually pay $250 less for a policy that will cover less. But that is okay, I guess, sort of, maybe.

But for a 64-year-old earning the same amount of money—and there are 64-year-olds out there still working who can't get Medicare yet and don't have a big retirement fund—they are still working for modest wages of $27,000 a year, they will see their healthcare costs go from $1,700 a year to $14,600. So a 64-year-old American working person with an income of $27,000 would have a premium of $14,600. Now, how is that going to work? How is that going to work? More than half of their income would go to pay for a health insurance plan. They have put a target square on those millions of people, and that is absolutely outrageous.

This bill is tax cuts very thinly disguised as the American Health Care Act. The cuts are pretty astounding. If you earn $700,000 a year, you will get a $37,000 tax cut. Now, those people are really hurting. Those people at $700,000 a year are worried about their health insurance. No, not so much. They probably get it for free through their corporate connections, or whatever. And even if they did, with $772,000, they can afford the increase with a $37,000 tax break.

But then how about the most privileged of the privileged of the privileged, those in the top 1 percent whose income averages $4 million a year? They get a tax cut of $207,000 a year under this bill. This bill is tax cuts disguised as an excuse for a replacement for the ACA.

There are a few other tax cuts, again, really deserving and needy folks—the pharmaceutical industry, $25 billion, and the medical device industry, $20 billion. And health insurance companies exempt from antitrust law can, once again, pay their CEOs $5 million or $10 million a year and take a full tax deduction, which under current law they can't.

So here it is, the goodie bag: Tax cuts for the wealthiest among us, tax cuts for the pharmaceutical industry, health insurance industry, medical device manufacturers; and, for the rest of America, the booby prize, which is healthcare plans that cover less and cost a lot more.

Oh, and then a couple of years out, 14 million people will be cut off of Medicaid.

These are really expensive tax cuts, and they have got to be paid for. The Republicans are fiscally responsible. They are going to pay for the tax cuts for people who earn $1 million a year, they are going to pay for the tax cuts for the pharmaceutical industry, but they have to screw a hell of a lot of people to do it.

The SPEAKER pro tempore. The Chair would remind Members to refrain from using vulgarity.

RECOGNIZING RESIGNATION OF MUSTAFA ALI

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. MCEACHIN) for 5 minutes.

Mr. MCEACHIN. Mr. Speaker, I rise today in recognition of Mr. Mustafa Ali's 24 years of service to the health and wellness of the American people.

On March 7, Mr. Ali sent his resignation to Administrator Scott Pruitt. He resigned from his post as the leader of the Environmental Protection Agency's Environmental Justice program.

For more than 2 decades, Mr. Ali led our Nation's leaders on environmental justice in their search for equalizing the playing field for vulnerable communities that have been victims of actions that threaten their public health and the quality of their air, water, and land.

In his letter, Mr. Ali said, in part:

> Communities of color, low-income communities, and indigenous populations are still struggling to receive equal protections before the law.
>
> These communities, both rural and urban, often live in areas with toxic levels of air pollution, crumbling or nonexistent water and sewer infrastructure, lead in their drinking water, brownfields from vacant former industrial and commercial sites, Superfund and other hazardous waste sites, as well as other sources of exposures to pollutants.
>
> Despite the many challenges we face regarding the impacts of pollution and a changing climate, we have just as many effective tools and programs, with long track records of assisting vulnerable communities in meeting their goals of improving public health and enhancing the environmental quality of their local communities.

Mr. Ali's resignation is a signal for me. In my eyes, a longtime soldier in the fight to level the playing field for all Americans to live in a clean environment left the Environmental Protection Agency because it was no longer welcoming for individuals who want to work with facts.

As we await the President's fiscal year 2018 budget, we need to remember how impactful Environmental Justice programs are to our constituents' health. Flint is one of the most salient examples of what can happen when environmental justice watchdogs are not empowered to do their good work.

OBAMACARE FAILED TO MEET ITS GOALS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) for 5 minutes.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise today because ObamaCare, though well intentioned, has failed to meet its own goals and promises.

There is a lot of passion on both sides of the aisle, I know. I just sat through 27 hours of debate in the Energy and Commerce Committee last week. It is clear that Republicans and Democrats have shared goals when it comes to health care. We want lower premiums, more choices, high-quality health care, the best in the world. But ObamaCare did not get us there. And if we continue on the current path, health care in this country is only going to get worse.

Premiums this last year alone have risen, on average, across this country by 25 percent. One out of three counties only has one plan available to them. Networks are collapsing.

That is why we are working to repeal and replace ObamaCare. We are committed to creating a better healthcare future for every person in America. No back-room deals, no ramming through bills no one has had time to read, and no surprises.

Every step of the way, we want to hear from you, the American people. Visit readthebill.gop and give us your feedback. Health care should be an open, transparent process through regular order, and that is exactly what we are doing with the American Health Care Act.

OPPOSING GOP REPEAL BILL

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Alabama (Ms. SEWELL) for 5 minutes.

Ms. SEWELL of Alabama. Mr. Speaker, today, I rise to express my opposition to the GOP healthcare bill.

On Monday, we received from the CBO a report that the House repeal bill will increase the number of uninsured Americans by 24 million in 2026. Fifty-two million Americans will be uninsured in 2026, which is more than ever before, and definitely more than the Affordable Care Act.

The intentions here are clear. The bill's drafters are choosing to ration care for the elderly and the working class to fund tax cuts for the Nation's highest earners.

Under the GOP bill, a 64-year-old, with an income of $26,000, will have to pay a net of $12,900 more each year for her coverage than she currently does. In addition to the disproportionate harm that this bill will do to seniors, it will also accelerate the insolvency of the Medicare trust fund by 3 years.

Mr. Speaker, the GOP plan cuts $880 billion from projected Medicaid spending over the next decade, while providing almost $600 billion in tax cuts to the wealthy and to corporations. Sixty-four percent of the tax cuts would go to millionaires and billionaires, while an additional 20 percent would go to those making between $500,000 and $1 million. Mr. Speaker, less than 1 percent of my constituents make more than $200,000, so it would be irresponsible of me not to voice my concern for a bill that contradicts the interests of my constituents so blatantly.

When I first got a copy of the bill less than 2 days before we marked it up in the Ways and Means Committee, I was left wondering if the bill was written to address our Nation's healthcare challenges or just to relieve the wealthy few of their tax obligations.

The drafters of this bill made the disappointing choice to favor value tested

and failed trickle-down economics over investing in a stronger, healthier America. Large numbers of unhealthy and uninsured Americans are not reflective of the governing bodies that make good choices.

The Republican health plan directly slashes funding for people with disabilities by $12 billion, cutting the program that helps people live in their communities and reach their full potential.

□ 1045

I represent a historically underserved constituency in Alabama's Seventh Congressional District. The median income in my district is less than $34,000. The majority of the health providers in my district have a patient population that is disproportionately dependent on Medicare and Medicaid and is uninsured. These healthcare providers cannot withstand caps to Medicaid or increases in their uninsured population. If this bill is implemented without substantial changes, rural health care will be lost and rural lives will be at risk.

In my district, I have met constituents who have weekly made choices between whether to buy medicine or to put food on the table. I have a pediatrician in my district in Birmingham who will stop what she is doing to track down patients newly infected with STDs so they do not transmit it.

In States with so many high rates of STDs in this country, every attempt to curb the spread of disease is critical. The GOP bill guts the Prevention and Public Health Fund, which helps community doctors provide preventative care and reduce the threat of public health crises.

Mr. Speaker, over the past several weeks, my office has received over 600 emails from constituents about health care. Many shared positive stories about the Affordable Care Act. Others, particularly those from low-income areas, fall in that gap, that Medicaid gap; and the State of Alabama, like so many Republican-led States, did not choose to expand Medicaid.

Unfortunately, the GOP health bill is not the answer. This bill will take Medicaid away from America's children, working parents, and seniors in nursing homes. By 2026, nearly 30 percent of Americans aged 50 to 64 earning $30,000 will be uninsured. Surely, Mr. Speaker, this is not what this body intended.

This bill is not only morally unsound, but fiscally irresponsible, and I urge my colleagues to vote ''no'' for the GOP repeal bill.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 47 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOST) at noon.

PRAYER

Reverend Dr. Andrew Chaney, First and Calvary Presbyterian Church, Springfield, Missouri, offered the following prayer:

God, You are never far, but the busyness of each day makes You feel distant. Inner barricades block Your guidance—fears haunt us, worries entangle our minds, and pressures cast shadows upon our hearts. Keep these anxieties of life from overwhelming us.

Give us victory over pride so that our common humanity may provoke new inroads of compassion to sympathize more deeply with those in need.

Give us victory over stubbornness. Replace the grudges that hinder our collaboration with forgiveness that opens minds to new possibilities.

Give us victory from the stain of lustful sins. Keep us on the straight and narrow path. Cleanse and purify our hearts by the inspiration of Your holy spirit.

O God, give these Members of Congress a courageous perseverance, an unshakeable integrity, a spirit that cannot be broken. Secure the faith of this House, thereby securing the heritage and the future of America.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WILSON of South Carolina. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WILSON of South Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. RUIZ) come forward and lead the House in the Pledge of Allegiance.

Mr. RUIZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND DR. ANDREW CHANEY

The SPEAKER pro tempore. Without objection, the gentleman from Missouri (Mr. LONG) is recognized for 1 minute.

There was no objection.

Mr. LONG. Mr. Speaker, today I have the honor of introducing my friend Reverend Dr. Andrew Chaney.

Reverend Chaney is a third-generation minister. He serves as the senior minister at the historic First and Calvary Presbyterian Church in Springfield, Missouri, a church that is a special place to my family. Reverend Chaney serves as an important spiritual voice for me and the Springfield community.

Congress has a longstanding tradition of beginning each session with a prayer. I am privileged and honored to have the opportunity today to welcome Reverend Dr. Andrew Chaney to the people's House as he opened today's session with a prayer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

CLIMATE CHANGE

(Ms. STEFANIK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. STEFANIK. Mr. Speaker, my district is the proud home to Adirondack Park, an environmental treasure. We understand in the north country that protecting our environment plays an important role in promoting economic growth and opportunity.

Along with 16 of my colleagues, I am proud to introduce a resolution calling on the House of Representatives to commit to working on economically viable solutions that address the threat of climate change.

Clean energy innovation is critical, and this resolution brings together the priority of addressing the risks of climate change with the importance of protecting and creating American jobs. This resolution calls on American ingenuity, innovation, and exceptionalism, also citing that it is a conservative principle to protect, conserve, and be good stewards of our environment.

No matter what side of the aisle you are on, we all have a significant responsibility to protect our environment from avoidable damage. I ask my colleagues to join in this commitment and support this important resolution.

RESOLUTION OF INQUIRY

(Mr. QUIGLEY asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. QUIGLEY. Mr. Speaker, today I have introduced a resolution of inquiry requesting that the President and Attorney General provide the House with any evidence in their possession relating to President Trump's claims that President Obama illegally ordered the wiretapping of Trump Tower, a task not welcomed but necessitated by the President's seemingly baseless accusations that the Obama administration wiretapped Trump Tower during the Presidential campaign. These accusations should be taken literally and seriously.

As a member of the Intelligence Committee, I have seen absolutely no evidence that supports the President's claims. President Trump and the Department of Justice have a responsibility to completely clarify the President's statement on Twitter.

If the White House and Department of Justice are unable to produce this evidence, as I suspect will be the case, the President owes the American people a thorough and immediate explanation and apology.

LET'S TAKE CARE OF OUR VETERANS

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, today I rise in support of the VA Accountability First Act. This legislation provides the VA's Secretary with increased ability to remove, demote, or suspend any VA employee for poor performance or misconduct.

Why it takes legislation to enforce common sense is beyond me. Just like in the business world, the VA and its employees must be held accountable for their actions.

Three weeks ago, I hosted a veterans townhall in Swainsboro, Georgia. Many of the complaints and concerns shared with me were about wait times. One thing no one has enough of is time, especially our veterans. For far too long, veterans have waited for care at their own expense. This is unacceptable.

It is our responsibility to not only take care of, but provide the best possible care to our servicemen and -women. Getting rid of bad and incompetent actors is a great place to start.

I encourage my colleagues to support this legislation. It is truly the least we can do for those who have done so much for us.

WHAT WILL AMERICAN HEALTH CARE ACT MEAN?

(Mr. RUIZ asked and was given permission to address the House for 1 minute.)

Mr. RUIZ. Mr. Speaker, the American Health Care Act, known as TrumpCare, will cause 24 million more people to go without health insurance over the next decade.

As an emergency physician, I know that everyone, even healthy young people, are vulnerable to car accidents or diseases that require critical care. Whether they have insurance or not, people get sick and get injured.

I have never treated a patient who said they were uninsured because they preferred to be uninsured. They simply couldn't afford it.

So what does 24 million more uninsured people mean?

It means more pain, suffering, and shorter life spans for people who go without care.

It means more ER visits and a longer wait to see a doctor in the emergency rooms for everyone.

It means financial ruin for young families or those ready to retire.

It means that hospitals and providers might lay off workers or even go out of business due to rising uncompensated care. It means they will charge more to make ends meet, which will raise premiums and out-of-pocket costs for everyone. Everyone will have to pay more.

I urge everyone to vote ''no.''

HOUSE REPUBLICANS FULFILL PROMISE

(Mr. WILSON of SOUTH CAROLINA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, an editorial last week in the Post and Courier of Charleston cites ''GOP health bill a start,'' which provided accurate insight into how the American Health Care Act is the first step in a three-step approach on how to put patients back in control of health care.

The editorial states: ''Any flaws not withstanding, it's an important step forward for the GOP to put a fully fleshed-out healthcare bill on the table. . . . But there is certainly cause for optimism that a tweaked . . . healthcare bill can at least bandage and begin to cure some of the festering wounds left by ObamaCare. . . .

''Republicans have a chance to make things right. They have a chance to help more Americans afford health care in a sustainable and responsible way. They have the chance to place more healthcare decisions in the hands of patients and doctors and fewer in the hands of government.

''The bill introduced on Tuesday is a first step in the right direction. . . .''

I appreciate the positive vision of Speaker PAUL RYAN with President Donald Trump and his team of OMB Director Mick Mulvaney and HHS Secretary Tom Price.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism to defeat Islamic extremist terrorists.

DEFEAT TRUMPCARE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute.)

Mr. GENE GREEN of Texas. Mr. Speaker, 24 million Americans will lose their health insurance. They will become uninsured. We call it TrumpCare, as it should be called.

For 7 years, Republicans have said they have a better alternative to the Affordable Care Act. President Trump promised on the campaign trail that Republicans would put forward a plan that would have insurance for everybody which would be far less expensive and far better for the American people.

We now know the Congressional Budget Office report says that 24 million people will lose their health insurance, including 7 million who will lose their insurance they currently have through their employers.

Older Americans waiting to get on Medicare would be charged five times what they pay now. It reduces the Medicare trust fund, and it cuts 25 percent in Medicaid, a program that provides care for children and senior citizens.

Mr. Speaker, this plan is both heartless and financially unsound. This repeal bill does not lower premiums or out-of-pocket costs nor does it expand access to care, and it provides a huge tax cut poorly disguised as a healthcare bill.

We need to defeat this bill.

THE RUSSIAN INVASION OF CRIMEA

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, this week marks 3 years since Russia violated Ukraine's territorial integrity and illegally stole Crimea.

In 2014, the people of Ukraine peacefully decided to move closer to the European Union and away from the Russian sphere of influence. However, the Napoleon of Siberia would have none of it. Russian troops invaded the Crimean Peninsula of Ukraine. Little green men then invaded two more regions in eastern Ukraine.

The Russian invasions have cost 10,000 Ukrainian lives, but Russia has not stopped. Troops are pursuing a slow strategy to take more and more territory in eastern Ukraine.

Russia has invaded a sovereign country and taken over its lands. Mr. Speaker, what country is next?

The American people must stand with Ukraine and against the tyranny of the Russian bear. It is time to stand up to Putin. He must pay a price for his aggression. Sanctions against and isolation of the bear are good places to start.

And that is just the way it is.

A CALL FOR HEARINGS TO DETERMINE ROOT CAUSE OF WAVE OF HATE CRIMES

(Mr. KRISHNAMOORTHI asked and was given permission to address the House for 1 minute.)

Mr. KRISHNAMOORTHI. Mr. Speaker, over the last few months, we have seen a surge of hate-driven violence, vandalism, and threats against numerous communities. As a member of the Oversight Committee, I am calling for hearings to determine the root cause of this wave of hate crimes and how we can combat it.

While our government must show its commitment to answering these attacks, the American people already have. Desecrations of Jewish cemeteries were met with waves of volunteers assisting in their restoration. Mosque burnings were met with contributions from Americans of all faiths to help the rebuilding. And when two Indian men in Kansas were shot and one murdered, a Caucasian third man was wounded when he heroically sought to intervene.

These actions speak to the resilience of our people, the highest principles of our Nation, and why we are proud to be Americans. America is, indeed, an exceptional nation.

I hope Chairman CHAFFETZ will heed my call and hold hearings on this wave of hate-inspired attacks to help America remain exceptional.

□ 1215

IMPROVING VETERANS' ACCESS TO CARE

(Mrs. ROBY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROBY. Mr. Speaker, I am pleased that the House this week is taking action to bring much-needed accountability and improvement to the VA.

Two and a half years ago, in the wake of the veterans waitlist scandal, Congress rightfully passed legislation giving the VA Secretary greater authority to fire senior managers responsible for those failures. I was glad to support the bill. In fact, the director of our own scandal-ridden central Alabama VA became the first fired under the new law.

But, Mr. Speaker, we all know that law did not go far enough. Responsibility for failures at the VA doesn't just lie with senior managers. We need to provide the VA Secretary increased authority to swiftly remove, demote, or suspend any VA employee for poor performance or misconduct. That is why I urge my colleagues to support the VA Accountability First Act.

The problems at the VA may have left the front page for now, but the problems are still very present. The work of improving veterans' access to care is far from over, and I will not stop until it is done.

WAR IS BEING DECLARED ON THE GREAT LAKES

(Mrs. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DINGELL. Mr. Speaker, I rise today because war is being declared on the Great Lakes. Those of us who live in the Great Lakes region recognize that the current times are anything but useful.

The Great Lakes account for 21 percent of the world's freshwater supply and are a major thoroughfare for transportation, commerce, trade, as well as recreation and tourism. Critical investments over the last decade have helped clean up and protect these waters, and that work is now in danger. Much is preventable and it must be stopped.

President Trump's budget released today virtually eliminates funding for the Great Lakes Restoration Initiative, which will cause significant harm to our communities, to jobs, and to our way of life. This jeopardizes our ability to fight back against invasive species that threaten the region's biodiversity, including the Asian carp. It also impacts vital cleanup projects that ensure our water is safe to drink. And there are those who want to store nuclear waste in the Great Lakes as well. It is not a partisan issue; it is an American issue.

RESUSCITATE OUR HEALTHCARE SYSTEM

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today to urge my colleagues to support resuscitating our healthcare system.

ObamaCare is being crushed under its own weight and the American Health Care Act will deliver a better way for health care. One of the greatest failures of ObamaCare is that it forces Americans into coverage that they do not want and that they cannot afford.

Our plan, instead, is designed to empower patients to access quality, affordable, and patient-centered health care. The American Health Care Act will put the free market back into health care, giving Americans the freedom of choice. Instead of Washington controlling the decisions of patients, we will empower them to make their own choices.

Americans deserve to have access to quality, affordable, and patient-centered health care, and this is how we intend to make this a reality. Remember, this is the first phase of this mission to rescue our country's health care, and I am committed to making sure that it is not the last.

Phase two is underway with administrative actions from our friend, Secretary of Health and Human Services, Dr. Tom Price. Leader MCCARTHY has begun to lay out additional legislation that we could not include in reconciliation. We will waste no time on this and we will begin consideration next week.

The battle does not end with the American Health Care Act, but it is a crucial first step to a better tomorrow.

CBO ANALYSIS ESPECIALLY BAD NEWS FOR WOMEN

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, today the House Budget Committee passed the Republican healthcare plan.

We all know by now that the recent CBO analysis has some very bad news for millions of Americans, but it has some especially bad news for women. The GOP plan makes Planned Parenthood ineligible for any reimbursement from Medicaid or Medicare for one entire year. More than half of Planned Parenthood facilities are in rural or medically underserved areas. Even in my district in New York, women are lined up outside the building and down the block, often waiting for Planned Parenthood services.

Yet, the CBO says that if the GOP plan becomes law, more than 15 percent of low-income women in our country will be without any access to health care—no cancer screenings and no tests and treatments for STDs. Women's lives and well-being should have greater value than this, but they just don't seem to count in the cruel math of this merciless law.

PUT HEALTH CARE BACK IN THE HANDS OF AMERICANS

(Mr. RICE of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. RICE of South Carolina. Mr. Speaker, 4 percent of the people of South Carolina have individual policies under ObamaCare. I submit to you that if you have a health insurance policy that pays nothing, with a deductible so high that you can't use it, regardless of the fact that statistics may say you are covered, you are not covered.

Sadly, that is what many of my constituents back home in South Carolina are dealing with under ObamaCare. I have statement after statement from folks in South Carolina that are being horribly damaged by this law. They are faced with rising premiums, high deductibles, and limited choice.

In my State, premiums went up nearly 30 percent last year. At one time, South Carolina had five different providers. Now there is only one, and they are threatening to pull out.

What happens then?

By now it is clear that this law is not helping South Carolinians the way it was intended. But what I also want to make clear is Republicans have a plan to fix it. Our plan does a blanket repeal of harmful ObamaCare taxes, like the individual and employer mandates. It preserves patient protections so people won't be denied for preexisting conditions. It gives individuals and families

better control of their health care by allowing them to spend their healthcare dollars as they see fit.

Simply put, our plan moves us from an unsustainable path to a sustainable one.

SKINNY BUDGET

(Mr. EVANS asked and was given permission to address the House for 1 minute.)

Mr. EVANS. Mr. Speaker, this morning, President Trump has released the first budget proposal of his administration.

In reading through the budget proposal, I am reminded of what President Trump said in the summer when he was speaking to the African-American community in a rally in Philadelphia.

He said: What do you have to lose?

This is what we have to lose: eliminating the Department of Housing and Urban Development's Community Development Block Grant program, whose sole purpose is to combat poverty nationwide.

This is what we have to lose: cutting funding for Head Start and before- and after-school programs for our kids does not give them a chance to get ahead.

This is what we have to lose: stripping funding for Medicaid in your new healthcare law that provides critical services for our most vulnerable.

This is what we have to lose: all of those cuts do not give our seniors, our children, and our working families a chance to get ahead.

Our communities have too much to lose, Mr. President. Our communities need the opportunity to make crucial investments that make our neighborhoods stronger block by block.

WE MUST IMPROVE FOOD ACCESS

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, a healthy diet for many Americans may have nothing to do with commitment, but, rather, accessibility.

Limited access to supermarkets and grocery stores with fresh nutritional food can be a challenge in both rural and urban communities. These are often called food deserts.

This is a particular concern for the Supplemental Nutrition Assistance Program, or SNAP, which intends to provide nutrition to millions of Americans.

According to the USDA, to qualify as a low-access community, at least 500 people and/or at least 33 percent of the population must reside more than 1 mile from a supermarket or large grocery store. For rural areas, the distance is more than 10 miles.

It is difficult to eat healthy when the easiest store to get to primarily provides packaged and processed food. SNAP recipients may find a local market convenient, but it often offers high-calorie foods with minimal nutritional value. These foods can often be a staple for families with limited resources.

It is my hope that we can increase access to fresh food for communities throughout the country. Our families deserve no less.

I look forward to working with the Agriculture Nutrition Subcommittee to continue to look at the SNAP program so that it serves those it is intended to serve.

JANUARY TRADE DEFICIT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, the Commerce Department just announced that America's trade deficit for January 2017 was $48.5 billion, the largest monthly deficit since March 2012. That translates into more lost jobs in our country.

In the campaign, President Trump criticized our trade deals. He promised to do better for American workers. And now, nearly 2 months into his Presidency, what action has he taken to stop the erosion of this deficit and the jobs that go with them?

It continues to get worse.

What hope can he give to the hundreds and hundreds more steelworkers in Lorain, Ohio, who just received pink slips over the weekend due to the permanent closure of another steel line, due to Chinese imports and predatory trade practice?

It is going to put a lot of steelworkers back to work, President Trump said during the campaign and after as he revived the Keystone and Dakota Access pipelines. But his talk turned out to be empty and a pipe dream because the pipes have already been purchased from foreign sources.

Next month, China's President, Xi Jinping, will visit President Trump at Mar-a-Lago in Florida. President Trump talked tough on China throughout the campaign, but what will he do to reform Chinese trade practices that are resulting in these increasing trade deficits?

Mr. Speaker, I hope our President begins to keep the long list of campaign promises that he made to working people across this country, reverses these deficits, and starts increasing good jobs again.

LET'S FIX AMERICA'S HEALTHCARE SYSTEM

(Mr. LOUDERMILK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOUDERMILK. Mr. Speaker, whatever possessed someone to think that a faceless, nameless bureaucrat in an ivory tower in Washington, D.C., who has never been to my district, who has never met with the people, think they know more about what is good for the family and the children of my people than they do?

That was a question that was asked of me by a constituent this weekend.

What makes you think you know better what is best for my family and my children than I do?

He was referring to the Affordable Care Act.

He went on to tell me that he used to have an insurance policy that cost $300 a month that he could use. Today, he is paying $1,600 a month for something he cannot use and he doesn't want, but by the force of law, he is forced to have.

He went on to say: Will you please, please do something now to fix this problem?

Another person said: Are you going to be able to get to a reform to fix America's health care that you like?

My answer was no.

We are not going to get to something I like, but that is not the issue here. Why? Because America is not ready for what I want. That is true Federalism, that this place has nothing to do with health care.

We can't get there right now because we don't have the votes, but we can get to something we need. I call upon my brothers and sisters in the House: Let's fix America's healthcare system. We have the opportunity to do it now.

□ 1230

COMMEMORATING THE TRANSFER OF THE U.S. VIRGIN ISLANDS FROM DENMARK TO THE UNITED STATES

(Ms. PLASKETT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PLASKETT. Mr. Speaker, later today, I intend to reintroduce a resolution commemorating the transfer of the U.S. Virgin Islands from Denmark to the United States. In that resolution, it discusses the 1733 slave revolt, the first slave revolt in the Western Hemisphere; the 1848 slave rebellion and emancipation, 17 years before the United States; and, of course, the 1917 transfer of ownership of the Virgin Islands from Denmark to the U.S.

We also discussed great Virgin Islanders, such as Alton Adams, Edward Blyden, Camille Pissarro, Judah Benjamin, and Roy Innis.

What does the transfer mean, and what have been the gains and benefits to the people of the Virgin Islands because of the purchase by the United States? The Americans were able to receive a pristine, geopolitically strategic location in the Caribbean with a people who are loyal to and proud of this country.

What has been given to the Virgin Islanders, a people willing and eager to take on the responsibilities of that citizenship but who, in fact, have moved from a system of serfdom, under Danish rule, to second-class, limited

privileged citizenship by the United States?

We need to take this time in this centennial transfer year to look at what have been the gains and for the U.S. to make a more perfect Union by more perfect citizenship and more inclusion of the U.S. Virgin Islands into the United States.

STOP MILITARIZING LAW ENFORCEMENT

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, for nearly three decades, State and local law enforcement agencies across America have been flooded with surplus military-grade weaponry through the Pentagon's 1033 program.

Late last year, law enforcement in North Dakota responded to protesters in Standing Rock in a well-documented, militarized fashion, reminding us of the danger which the use of military equipment by domestic law enforcement poses to the civil liberties of Americans.

During the elections, President Trump ran on a promise to restore ''law and order.'' I am deeply concerned that the administration will follow up on that promise by making more military equipment available to State and local law enforcement agencies. This would further blur the line between the military and civilian police officers and violate a founding principle of our Nation.

For this reason, I am, today, reintroducing the bipartisan Stop Militarizing Law Enforcement Act to rein in the Pentagon's excess property management program and ensure that our communities are not just safe, but that the civil liberties of ordinary Americans continue to be protected.

IT IS CRUCIAL TO REPEAL AND REPLACE AFFORDABLE CARE ACT

(Mr. YOHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOHO. Mr. Speaker, I rise today to voice my concern about how crucial it is that we repeal and replace the poorly named Affordable Care Act.

We are working towards a better healthcare plan and doing it in a better fashion than the other side did 8 years ago. We are actually going through regular order, allowing the committees of jurisdiction to do their work in public, and have the text for all to see and debate.

Mr. Speaker, ObamaCare is failing and will collapse on its own. Many more will lose their insurance, and the healthcare system will get drastically worse if we simply leave it in place. The worst thing we can do is nothing.

4.7 million Americans were kicked off their healthcare plans by the ACA. I was one of them. Under the ACA, there has been a 25 percent average increase in premiums for the midlevel plans in 2017 for millions of Americans trapped in the healthcare.gov exchanges. Nearly one-third of U.S. counties have only one insurer offering an exchange plan.

ObamaCare is unsustainable. Mr. Speaker, it is time for Congress to do its job and replace the failed ObamaCare. We guarantee we will read this bill before we pass it.

PROVIDING FOR CONSIDERATION OF H.R. 1259, VA ACCOUNTABILITY FIRST ACT OF 2017; PROVIDING FOR CONSIDERATION OF H.R. 1367, IMPROVING AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO HIRE AND RETAIN PHYSICIANS AND OTHER EMPLOYEES; AND PROVIDING FOR CONSIDERATION OF H.R. 1181, VETERANS 2ND AMENDMENT PROTECTION ACT

Mr. BUCK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 198 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 198

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1259) 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Veterans' Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-7. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1367) to improve the authority of the Secretary of Veterans Affairs to hire and retain physicians and other employees of the Department of Veterans Affairs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Veterans' Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-6. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1181) to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Veterans' Affairs; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. BUCK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman

from Florida (Mr. HASTINGS), my friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BUCK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. BUCK. Mr. Speaker, I rise today in support of the rule and the underlying legislation.

Our veterans have paid a high price. Dispatched to foreign lands to fight for our freedom, many returned injured, grief-stricken over lost friends, and torn apart by the violence of war.

We owe them our time, our energy, our gratitude, and our protection. That is why we are here on the floor today: to protect the constitutional rights of our heroes and to make sure we are taking care of them like we promised we would.

H.R. 1181, the Veterans 2nd Amendment Protection Act, ensures that government cannot strip our heroes of their constitutional rights without due process. Under current law, if the VA determines that a veteran needs a guardian or fiduciary to help manage their benefits, then that veteran's name must be sent to the NICS database, prohibiting them from purchasing a firearm.

The decision to strip any constitutional right from anyone, most importantly our veterans who have put their lives on the line to defend our Constitution, needs to be made with due process. The VA was never designed to adjudicate the removal of constitutional rights. This decision should be made by a judge or judicial authority.

Instead of stripping veterans of constitutional rights, our VA should be focused on protecting veterans. That is exactly what the other two bills under consideration do.

H.R. 1259 gives the Department of Veterans Affairs greater ability to discipline employees for misconduct or poor performance.

We entrust our VA employees with the health and well-being of our veterans. Most of these employees do a great job, working hard to make sure our heroes are cared for; but, occasionally, a VA employee engages in misconduct, behavior that can endanger the very lives of our veterans.

These men and women sacrificed to serve our Nation. The least we can do is enable them to receive the best care possible at the VA. That is why we need H.R. 1259, to allow the VA, under an expedited process, to fire or suspend or demote employees who are putting our veterans at risk.

The legislation also allows the VA to recoup the money paid in bonuses or relocation grants to employees convicted of a felony.

Mr. Speaker, our veterans deserve the best. They deserve the best employees. They deserve the best medical staff. That is what the third bill under consideration, H.R. 1367, will achieve. This legislation improves the VA's ability to recruit the best medical staff, offering the agency direct hiring authority to fill key positions with critical staffing needs.

It also creates a fellowship program to train up VA management for the best performance. It is time to improve the personnel practices at the Veterans Administration.

Mr. Speaker, the resolution on the floor today is vital for our Nation's veterans. Their constitutional rights and their well-being stand in the balance.

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

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

I thank the gentleman, my friend from Colorado, for yielding me the customary 30 minutes for debate, and I rise to debate the rule providing for consideration of the three bills related to the Department of Veterans Affairs—interestingly, all under one rule. We have been doing two bills under one rule. We are now headed to three. I recommend we just put all of our bills under a rule and save us a lot of time.

The first bill under today's rule, to improve the authority of the Secretary of Veterans Affairs to hire and retain physicians and other employees of the Department of Veterans Affairs, the bipartisanship reflected in this bill is certainly a rarity in this body and, frankly, could have easily come before us under the suspension of the rules.

There are nearly 47,000 job vacancies for doctors, nurses, and other medical professionals throughout the Veterans Administration's healthcare system. The VA is consistently rated as one of the worst Federal agencies in terms of pay and leadership, and since 2009, the number of VA employees resigning or retiring has risen every year.

□ 1245

As of the new year, 547,000 patients were waiting more than 30 days for care at a VA hospital. It is clear that we must act to improve the VA on a holistic level, and this bill is a good start.

This legislation establishes staffing, recruitment, and retention programs to enable the VA to build a stronger workforce.

However, I am disappointed that the Rules Committee majority did not make in order an amendment that I offered to this measure, which would have allowed the Secretary of the VA to fill any existing vacant positions within the Veterans Administration, regardless of whether the position was vacated before or after the reckless hiring freeze imposed by Donald John Trump.

I would also note that Representatives SCHRADER and MOULTON offered an amendment that would fully lift the hiring freeze, but the Rules Committee blocked this amendment as well from receiving a vote on the House floor. I remain disheartened at the way the majority continues to operate the business of the House of Representatives.

The bipartisanship this bill enjoys dissipates when we move to another bill wrapped in today's three-rule measure, and that is H.R. 1181, the Veterans 2nd Amendment Protection Act. Before I launch into all of my remarks regarding this, I want to make it very clear that I and most Members of the House of Representatives will do everything we can to protect the Second Amendment rights of U.S. citizens and veterans especially.

This legislation, however, if enacted, would immediately enable approximately 174,000 veterans currently deemed mentally unfit by the VA to purchase firearms. At its core, this bill assumes that all veterans with mental illness should have unfettered access to guns, regardless of whether they will turn the weapon on themselves or their loved ones, and that any determination otherwise is simply wrong. The broadly reaching bill arbitrarily removes every veteran flagged by the National Instant Criminal Background Check System from its rolls, literally putting tens of thousands of lives at risk.

Let's look at the facts. Under procedures currently in place by the VA and the Department of Justice, an individual who lacks the mental capacity to contract or to manage his or her own affairs can be prevented from purchasing a gun. This term applies to veterans with severe mental illnesses who require a fiduciary to help manage their VA benefits. If the veteran thinks there was an error or that he or she was unfairly disqualified, the veteran can utilize the same due process and appeals procedures that are available for other VA decisions.

Under the current process, which was codified in the 21st Century Cures Act just a few months ago, the veteran is allowed a hearing before the Board of Veterans Appeals and given several opportunities for judicial review and appeal in Federal court.

Mr. Speaker, this bill turns this sensible and humane approach on its head. It is time that we acknowledge where we are as a country. It is time that we deal with the fact that we are in the midst of a veterans' suicide epidemic. Twenty veterans kill themselves every day. That is 7,300 of our finest and bravest persons in our society. Two-thirds of these suicides are carried out using firearms.

A Department of Veterans Affairs report, provided to Congress in 2015, revealed that nearly 20,000 veterans diagnosed with schizophrenia, 15,000 diagnosed with post-traumatic stress disorder, and thousands more diagnosed with dementia, Alzheimer's, and serious depression were on the NICS rolls. Under this bill, these individuals and many more would be given immediate

access to guns, putting themselves and others in danger.

Even as our Nation suffers shooting after shooting, Congress has not acted. Democrats held a sit-in in this very room in that well in this last Congress to protest the callousness of the House Republican leadership in preventing us from even considering legislation to protect our citizens with reference to guns. Rather than act to address gun violence, we instead considered legislation like this, which will actually lead to more gun violence, Mr. Speaker. The logic and lack of compassion in such an approach absolutely escapes me.

Our country has witnessed horrific shootings in the past few years. Dozens of children were murdered at Sandy Hook. Nearly 50 people were killed at the Pulse nightclub in Orlando. One of our very own from this Congress was nearly assassinated while holding a townhall event in 2011. We continue to ignore the ramifications of shootings at Oak Creek, Aurora, Virginia Tech—I could go on and on—Charleston. The list just continues. 32,000 Americans lose their lives every year from gun violence.

We have grieved together. And I, along with several of my colleagues, have stopped standing down here in the well for a moment of silence and then going back to our regular business after hundreds of our people are killed throughout this society. We have demanded change together, and we have been shocked by the paralysis that has gripped this institution when it comes to taking commonsense steps to end our country's gun violence epidemic.

Today, we see in this bill another measure coming out of Republican leadership that sprints toward the goal set by this country's powerful gun lobby. Listen up, NRA, there are people like me that aspire to have a zero rating by you every year. And it is not just the gun lobbyists, it is gun manufacturers as well. It may be great for the gun manufacturers' bottom line and the NRA's bottom line, but it is terrible for those brave men and women who have served this country so fully, those brave men and women who suffer wounds that may not be visible to the naked eye, but are no less real and worthy of our attention.

With each new tragedy that occurs, whether it be a mass shooting or the 20 servicemembers we lose every day to suicide, those who stand in the way of legislation to address our country's gun violence epidemic are increasingly culpable for its continuation. I am disgusted with this morally bankrupt obfuscation, and I think the American people are, too.

Let me lay down a marker. Of the 435, plus six Members of the House of Representatives and the 100 U.S. Senators, I want to see the first person when this measure goes into effect, if it does, and 174,000 veterans are taken off of the NICS rolls and can access guns, the first one that dies—and I hope we track it—I want everybody to stand up and remember that we had a chance to stop it here. Don't tell me, if 20 veterans are killing themselves every day and if 7,000-plus of them are killing themselves every year—and we won't even mention domestic violence and the horror that comes from those guns—if we continue this effort, we will allow more deaths along those lines.

Before concluding, Mr. Speaker, I want to say a few words about the final bill encompassed in this rule, H.R. 1259, the VA Accountability First Act of 2017, and the Republicans' continued assault on the working people of this country.

At its core, this bill is an attack on workers' rights, plain and simple, and will do more harm than good in our efforts to improve care at the Veterans Administration. This legislation would strip the collective bargaining rights of VA workers. It weakens an employee's right to appeal. It weakens protections for VA workers who speak up against mismanagement and patient harm.

Republicans claim they want to help fix our VA system, yet, with this bill, they do that by insulting, undermining, and attacking the very employees who serve and care for our veterans, including the over 120,000 veterans who work for the VA. Yesterday, one of our colleagues presented at the Rules Committee a statistic that I didn't know. Of the 2 million Federal employees in this great Nation of ours, 640,000 of them are veterans. So when we get ready to pare back this government that somehow or another people have targeted for all sorts of cuts, if you read today's budget proposal by Donald John Trump, you will see that lots of these veterans will be losing their jobs, in addition to all of the things that we have already discussed.

We need to make improvements at the VA. Everybody knows that. That is clear. But singling out VA employees and their protections is counterproductive, to say the least, and only compounds manpower shortages plaguing the agency.

This legislation will exacerbate recruitment problems and impair retention at the agency. It threatens the agency's ability to build a robust clinical workforce by threatening the quality of care that the VA will be able to provide.

I don't know what the pique is by my Republican colleagues with reference to workers in this country. They talk a very good game about protecting workers and we are going to bring back jobs and we are going to do all of these things that are going to protect the middle class.

I will get a chance to talk about this a little bit more, but I am very proud of the unions in this Nation. They are the unions that people like my father and countless of us who served in the House of Representatives worked in and helped build this Nation. They are the people that our veterans from the Second World War, the Korean conflict, and Vietnam who became union members and went on to do things for collective bargaining that made workers' rights be better for people in America. And I don't see tearing them down—let alone in the VA administration—is something that we need to do.

Mr. Speaker, my friends on the other side of the aisle know exactly where their priorities lie with this bill, and it is certainly not with improving the quality of care of our veterans, but rather in exploiting yet another opportunity to attack the rights of working men and women across our country.

I reserve the balance of my time.

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

My friend from Florida and I were in committee yesterday and heard testimony from one of our colleagues that this bill, as it pertains to veterans' gun rights, is not reactive. It does not go back to those individuals who have been denied their due process rights, who have been denied their Second Amendment rights.

This bill is prospective only. It will only affect those who in the future have been denied those rights. And I think it is absolutely important that we understand the Republican Party in the House of Representatives is committed to make sure that those individuals who have been denied their due process rights, their Second Amendment rights in the past, we will find a solution. We will help those individuals.

Right now, we are focused on making sure that others have the ability to a fair, open hearing where they can present their side of the story before they are denied their constitutional rights.

My friend and colleague from Florida (Mr. HASTINGS) also talks about the fact that H.R. 1259 will do more harm than good; that somehow disciplining those who are delivering poor services to our veterans is unfair to unions. The truth is that 35 percent of the VA's workforce is made up of veterans.

□ 1300

But the fact is that veteran employees believe employees that are not meeting acceptable standards for their fellow veterans should be removed, period, regardless of their service while on Active Duty.

Are opponents of removing poor-performing employees and those whose misconduct warrant removal saying that a veteran employee who cannot do the job or is guilty of misconduct be kept on the job?

On the contrary, veterans know that the strictest accountability standards apply to them during their military service, and millions of hardworking Americans in the private sector do not enjoy anything close to the protections enjoyed by Federal employees.

The only employees who need to be concerned with reasonable reform that would be made by this legislation are those who aren't doing their jobs on behalf of the veterans who they serve.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MAST).

Mr. MAST. Mr. Speaker, I want to start by saying this. I was prompted to say this by the remarks from my colleague from Florida just now.

I believe that there is absolutely nothing that is common sense about preventing those who defend America from having the opportunity to defend themselves. There is no common sense in that whatsoever.

I listened to your emotional remarks here, and I listened as you gave zero specifics on the mental illness that my colleague specifically talked about being worried about.

Specifically, what mental illnesses is it that had you concerned?

I would encourage you to have the courage to be specific and say exactly what it is that you mean so that there is no confusion.

Now, the true intent of my remarks today are to talk about my favorite part of going to the VA, and that is sitting next to my fellow veterans when I sit down at one of the clinics at my local VA hospital. Whether it is a marine from Iraq, whether it is a sailor from World War II, a soldier from Vietnam, an airman from Korea, whenever we sit down next to each other, there is a camaraderie that exists immediately.

One of the first things that is said is usually some sort of off-topic joke about the branch that the other person comes from. It is that camaraderie of shared service that unites us in a way that half a century of age can't divide. I can tell you, we have common experiences, and we have common healthcare challenges as well.

It is important for veterans to come together and for the VA to establish and maintain expertise in providing for our unique healthcare needs. Unfortunately, too many VA facilities have lost their hunger to provide care. They have lost the passion to meet the individual needs of veterans, and it has become way too much of a rarity that a veteran's needs are truly met when they enter the VA facility.

You cobble that together with enough bad experiences from underperforming employees, and it forces veterans to ask: Where else can I go for my care?

That is why I am excited to see the House bring forward two bills this week that get at the crux of the matter: authority to hire the best employees and the ability to remove underperforming employees.

Today we will debate the VA Accountability First Act. We will provide the VA Secretary the flexibility to either remove, demote, or suspend an employee for misconduct. It can be very little that is more important to go on at the VA.

Tomorrow we will debate H.R. 1367 that will bolster the Secretary's situational awareness to recruit and retain the very best employees.

You know, when a veteran like myself or my peers goes to the VA, we are not given a choice in our provider. We go there, and they look at a person like me and they say: Your last name is MAST. We are going to assign you to Alpha clinic. This is your provider, and there is no choice.

The veterans deserve nothing less than the kind of care and accountability that these bills endeavor to provide.

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

Mr. BUCK. Mr. Speaker, I yield the gentleman an additional 2 minutes.

Mr. MAST. Mr. Speaker, I encourage my colleagues to vote for this rule and to bring each of these bills to the floor.

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

I have great respect for my colleague whose district abuts a portion of my district in Florida. I want to make it very clear that it is important to listen to what a person says. My colleague just commented that I did not offer the specifics with reference to persons who suffered some form of mental illness; and he said that, in my passionate remarks, I failed to provide those specifics.

Let me go back and read you my remarks again. A Department of Veterans Affairs report provided to Congress in 2015 revealed that nearly 20,000 veterans diagnosed with schizophrenia, 15,000 diagnosed with post-traumatic stress disorder, and thousands more diagnosed with dementia, Alzheimer's, and serious depression.

Is that specific enough for you, or do I need to add additional reasons?

Evidently my colleague didn't hear that.

Mr. MAST. Will the gentleman yield?

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

Mr. MAST. I appreciate that. When I get to speaking about the specifics of this matter—and you used a very broad, general term, like the term ''post-traumatic stress disorder.'' That is something that is, unfortunately, layered upon nearly every veteran that exits service today. So to go out there and have this ability to put people into this NICS, who have this sort of label placed upon them, that is exactly the crux of this that I am getting to that is not specific enough. It does not point to what is specifically an issue that anybody is facing.

Mr. HASTINGS. Reclaiming my time, is schizophrenia one of those things that isn't specific enough for you?

Mr. MAST. If the gentleman would yield, that is certainly an issue that we can point to. But when you talk about post-traumatic stress and so many other issues that are diagnosed by the Department of Veterans Affairs——

Mr. HASTINGS. Reclaiming my time, that is what you should have said rather than say that I didn't offer specifics, and I just want to make that very clear to you.

I don't think that people with diagnosis of schizophrenia, that have been allowed—that their fiduciaries have determined that their mental illness allows that they should not get a gun, I suggest to you and to anybody that those persons that have a gun—and I made the distinction. You evidently didn't hear that part either. I made the distinction about the Second Amendment and how much I support it and I support veterans, and I support veterans' rights to defend themselves. But I don't support crazy people having guns, whether they are veterans or not, and it is just that simple.

The SPEAKER pro tempore. Members of both sides of the aisle are reminded to address their remarks to the Chair.

Mr. HASTINGS. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. TAKANO), the vice chair of the Veterans' Affairs Committee.

Mr. TAKANO. Mr. Speaker, I thank the gentleman from Florida for yielding me time.

Mr. Speaker, I rise in opposition to the rule. In its current form, H.R. 1181 would endanger veterans in crisis and serve as another obstacle to addressing the crisis of veteran suicide.

We had hoped to introduce amendments which would protect veterans' rights while ensuring their safety. By bringing this bill to the floor under a closed rule, the majority has prevented us from doing so, from considering other possibilities to come together in a bipartisan fashion.

There are changes that could be made to this legislation to ensure that it is good public policy. For instance, we could consider a streamlined appeals process that would allow veterans erroneously flagged by the background check system to have their status changed.

I do acknowledge the concern of the gentleman from Florida that people with PTSD on this list may have been inappropriately flagged to be on this list, and we could have discussed a streamlined process. We could conduct a study of the VA's existing practices for submitting records of veterans to the background check system.

But rather than subject that whole list to being dismantled and freeing people that should not be free to have weapons—crazy people from having weapons—at the very least, we should understand the impact this change would have on veteran suicide, as Ms. ESTY suggested when she tried to offer an amendment to the Rules Committee last night to require a study into the number of veterans who have committed suicide by firearm, who should have been prevented from accessing a firearm under current policies.

I do wish, Mr. Speaker, to dispute the gentleman from Colorado's contention that this is only about going forward, that it affects going forward. I maintain there is considerable concern that this will affect those that exist on the list currently.

These are sensible ideas that I offered, that we could have considered instead of being forced to vote on the legislation we have now. We could come together under unanimity to solve this issue.

But under this rule, we are forced to vote only on legislation that would make veterans and their communities less safe. Accordingly, I call on my colleagues to oppose this rule.

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

My friend from Florida talked about the specificity that he used in describing the conditions of these veterans, but that is not what the rule says.

What the rule says, Mr. Speaker, is that if someone—if a veteran needs a fiduciary, they will be denied the ability to own, possess, purchase a firearm. It doesn't say if they are schizophrenic. It doesn't say if they have PTSD. It doesn't say if they have depression, and if they have PTSD or depression that is somehow linked to further violent behavior. It doesn't say that.

What it says is, if you can't balance your bank account, you can't have a gun to protect yourself. There is no relationship between those two.

Now, if the gentleman from Florida would go to the Veterans Administration and talk to them about the need to link that finding of a fiduciary with future violent behavior, we may not be here today.

But so many people have been trapped in this overbroad rule that we are going to make sure that those people that have a fiduciary and are listed by the VA have a due process right to show that they are nonviolent; that they don't have a propensity to commit a crime with a weapon; that they are not a harm to themselves or to others.

And if the VA or an independent judicial officer finds that they are, then yes, list them on the NICS report, but give them that due process right. That is where the majority believes this rule created during the Clinton administration and by the Veterans Administration falls.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MAST).

Mr. MAST. Mr. Speaker, I take issue with a term that was thrown around far too loosely twice in just the last couple of minutes by my colleagues from the other side of the aisle here where each of them used the term ''crazy.'' They used the term ''crazy'' twice. I take serious issue with that.

This is the reality: our servicemembers that endeavor onto the battlefield, they face snipers that are targeting them. They face mortars being dropped on their head. They face improvised explosive devices like the ones that took my legs and so many of my friends. There are aviators that fly beyond the lines of our enemy. They face the threat of being shot down or captured. There are marines, there are sailors. And all of us—you know, the reality is we do come home with demons that are associated with a life that is surrounded by death. That is certainly the truth.

But to say for one moment that that is something that allows the term ''crazy'' to be layered upon any one of these heroes that goes out there and serves in defense of this country, that goes out there and has the willingness to have their uniform stained with the blood of their friends, I find that to be a disgusting use of that word. I resent the fact that it has been done, Mr. Speaker, and I would respectfully ask that there be an apology made to those that put on the uniform and go out and defend this country on behalf of every single American.

Mr. HASTINGS. Mr. Speaker, I would urge my friend from Colorado to know that I have no additional speakers and I am prepared to close if he is prepared to close.

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

Mr. BUCK. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Colorado has 17¾ minutes remaining.

Mr. BUCK. Mr. Speaker, I yield 2 minutes to my friend from Georgia (Mr. COLLINS).

□ 1315

Mr. COLLINS of Georgia. Mr. Speaker, I appreciate my colleague from the Rules Committee yielding me time.

I can't be in any more agreement with my friend from Florida just now. We talked about this actually in the Rules Committee yesterday. If you look at the actual language in the rule, it gets down to the fact that you are adjudicated a mental defective. That is language that has to be stopped in this. I know my friend from the Rules Committee, and we serve on Judiciary together, we are going to actually look into this. Because if we really want to start talking about veterans and suicide, then we need to start addressing it head-on in real terms and in real ways with the issues that they face and not simply saying that we are going to take a right away.

It is amazing to me that we are discussing this issue. What about the other amendments? Well, we are just going to do the Second Amendment.

In fact, what is happening right now among many, and for those who need to understand this, many of our VA colleagues who want to go to the Veterans Administration, have stopped going. If we want to actually worry about some of this stuff that they are worrying about with their mental health, then we need to take impediments away from them getting help, to let them know that just because they have problems that they can't process, getting help from the VA is something that should not be predicated on a fiduciary or somebody helping them.

If they have got real issues, then follow the law. Follow the law. Adjudicate this. Don't give just simple carte blanche to say: We are going to take this away, and then, oh, by the way, go fix it yourself.

I said yesterday in the Rules Committee: I am still in the Air Force. I am an attorney and a chaplain. I served in Iraq. I have delivered these death notifications. I have counseled those who have called saying: I don't find a reason to live, Chaplain.

When we begin to throw around loosely these terms as we did yesterday in committee, when we send letters that say: if you vote for this, then you are actually making it free and easier—I think was the wording—to get guns to veterans. This is why this problem breaks down. This is why we use veterans as pawns. If you are against this, vote ''no,'' but don't use the cover of saying that you are helping people on suicide. Get to the issues.

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

Mr. BUCK. Mr. Speaker, I yield the gentleman an additional 2 minutes.

Mr. COLLINS of Georgia. When we understand this, I understand the discussions, and I understand the issues we have here, but not with this. Make your vote. But don't cloak it. Don't call it crazy people.

Congressman MAST, that ain't what they are.

They are hurting. They need help. If this is an impediment to that, then vote ''yes.'' If you want to vote ''no,'' fine, vote ''no.'' But at least get the issue right.

The issue is that the Veterans Affairs is saying: We are going to take your constitutional right away without adjudication and make you do it on your own because we have an opinion about this that we think could happen because you have got a fiduciary, you can't do it on your own.

When we understand what is really at the heart of this, I would encourage all to say: you know, the veterans, you just overstepped your bounds here. We are going to put this back where it needs to be, and then we are going to get on to the real issues of veterans who are needing help.

I know my Florida appreciates that. We have talked about it before. These veterans need help. Our VA needs help. Our hospitals need help. The money and time that are spent to help these folks when they come back—they are not crazy, they are not defective. They are just people who have been through a tough time, and they need a little kindness, compassion, and help.

They are not broken. I broke my leg. I stepped on a piece of glass, and I cut my achilles. That is what happened to me. But if my mind—everybody said: Your cast looks interesting. Nobody talks about it, though, if I came home to say: I am depressed. I have an issue.

We start backing away. We have got to break that in our country. Mental health has got to be a priority—this—to be against this and claim what we are claiming here on the floor is wrong.

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

Mr. Speaker, my friend that sits on the Rules Committee, my colleague from Georgia, correctly speaks to this issue and its need to go to the Judiciary Committee or other committees to ensure that veterans have the appropriate adjudication.

I don't know where he or my colleague from Florida would place schizophrenia. I am not a mental health expert, but I have spent a good portion of my career here in Congress dealing with issues and trying to address issues of mental health, be it veterans or not.

Mr. Speaker, if we defeat the previous question, I am going to offer an amendment to the rule to bring up H.R. 696, Representative SCHRADER's bill to exempt the Department of Veterans Affairs from Donald John Trump's hiring freeze. As we have already discussed, my amendment to allow the VA Secretary to fill vacant positions, regardless of whether they were vacated before or after the hiring freeze, was blocked last night in the Rules Committee.

There are nearly 47,000 vacant positions within the VA, and we should not be limiting the VA's authority to fill these positions, especially as we continue to work towards reducing patient wait times.

On a bipartisan basis, Members of both the House and Senate have requested that the VA be exempt from the hiring freeze. Mr. Speaker, this is commonsense legislation to ensure that the VA can recruit and hire qualified staff to meet the needs of our veterans.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS. Mr. Speaker, at the end of the day, we are gathered here, once again, to debate the same old, tired, irresponsible, and morally bankrupt policies championed by my friends across the aisle, policies that will, while we face a suicide epidemic among those servicemembers who have so bravely served this country, make it easier for them to take their own lives by increasing their access to guns. That may be good policy for the powerful gun lobby and gun manufacturers, but it is horrendous policy for the American people.

We have before us legislation that will gut workers' rights for VA employees while also making it easier to reprimand those who are brave enough to speak out against the ills they see occurring at the VA—ills that have and will continue to undermine the quality of service our veterans are able to receive.

All of this moral ineptitude is set against the backdrop of a healthcare plan recently put forth by Republicans that will raise the number of uninsured in this country to 24 million in under 10 years. This includes 14 million folks being unceremoniously kicked off of Medicaid and 7 million Americans kicked off of the health insurance plans they receive through their employers.

This is a plan that will increase premiums for individual policyholders by up to 29 percent. This is a plan that will increase, particularly for older Americans, out-of-pocket healthcare expenses.

Mr. Speaker, in the final analysis, this is no plan at all but rather a shameful and cynical massive giveaway to the ultrawealthy at the expense of the middle class that will result in hardworking Americans paying far more for far, far less.

Mr. Speaker, I have been in this institution 25 years, and I have been on this Earth 80 years. I have seen an awful lot of trauma during that period of time. I served as a State court judge and had the responsibility of Baker Acting—it is called in Florida—people to mental institutions. I have established fiduciaries for people who were unable to take care of themselves. I worked actively when we had mental health hospitals to keep those mental health hospitals open.

I would say to you, Mr. Speaker, so that you can say to the gentleman who asked that I apologize, that I apologize for nothing having to do with any remarks that I made within the confines of what is allowed in this institution. The simple fact of the matter is I used the term ''crazy,'' and I had reference to schizophrenia. Now, it may very well be that these are not broken people, it is that they are brave people who came home with problems. But crazy is crazy, and I would say that until the day I die.

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

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

Mr. Speaker, I want to draw your attention and the attention of my colleague from Florida to a letter dated January 26, 2017, from the chairman of the Committee on Veterans' Affairs, U.S. House of Representatives, Representative ROE, and the chairman of the Committee on Veterans' Affairs, U.S. Senate, Chairman ISAKSON, to the President in which they asked for various positions to be exempted from the President's executive order concerning a hiring freeze.

The next day, January 27, the Acting Secretary issued a memorandum under the authority of that Presidential memorandum, executive order, granting the chairman's request and exempting various positions.

I would exceed my time limitations, Mr. Speaker, if I were to read all of these. But let me assure you there are dozens and dozens of positions at the Veterans Administration that have been exempted from the President's hiring freeze. They include social worker, science lab technician, practical nurse, nursing assistant, dietician, nutritionist, occupational therapist, on and on and on. And the need for the amendment that the gentleman presents is unnecessary.

I would also like to talk very briefly about the gentleman's argument that somehow those at the Veterans Administration are being harmed, and we are attacking a union in some way rather than trying to deal with real situations and improving the quality of care at the VA.

I want to give a few examples of VA employees and just the time that it took to remove people. A VA employee was a willing participant in an armed robbery several years ago, and after a lengthy legal and administrative battle where the employee was supported by the Public Employees Union, the employee was reinstated in their previous position without any discipline.

A VA nurse showed up to work intoxicated and participated in a veteran's surgery while under the influence of alcohol. Although the employee eventually resigned, to date, no other employees were disciplined for allowing the employee to participate in the veteran's surgery.

In 2013, a vocational rehab specialist out of the Central Alabama Veterans Health Care System crashed a government car, and a passenger ended up dying. He was later indicted for a DUI. The VA confirmed that the employee was not removed from payroll until January of this year—almost 4 years.

In 2014, a VA employee at the Central Alabama Veterans Health Care System took a veteran who was a recovering drug addict to a crack house where he purchased illegal drugs for the veteran, as well as purchased a prostitute for him, though the employee was still employed at the VA well over a year later after the incident until they were finally able to remove him.

Mr. Speaker, I ask my colleagues to stand up now for our veterans. They have performed their duty, and it is time for us to perform for them.

Our duty is to take care of them. A ''yes'' vote restores their Constitutional rights and improves their quality of care.

I ask my colleagues to vote ''yes'' on this resolution, vote ''yes'' on the underlying bill. I thank Chairman ROE and Representative WENSTRUP for bringing these bills before us.

The material previously referred to by Mr. HASTINGS is as follows:

AN AMENDMENT TO H. RES. 198 OFFERED BY MR. HASTINGS

At the end of the resolution, add the following new sections:

SEC. 4. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 696) to prohibit any hiring freeze from affecting the Department of Veterans Affairs. All points of order against consideration of the bill are waived.

General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 5. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 696.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BUCK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 1 o'clock and 30 minutes p.m.), the House stood in recess.

□ 1335

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOST) at 1 o'clock and 35 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 198;

Adoption of House Resolution 198, if ordered; and

Agreeing to the Speaker's approval of the Journal.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 1259, VA ACCOUNTABILITY FIRST ACT OF 2017; PROVIDING FOR CONSIDERATION OF H.R. 1367, IMPROVING AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO HIRE AND RETAIN PHYSICIANS AND OTHER EMPLOYEES; AND PROVIDING FOR CONSIDERATION OF H.R. 1181, VETERANS 2ND AMENDMENT PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 198) providing for consideration of the bill (H.R. 1259) 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; providing for consideration of the bill (H.R. 1367) to improve the authority of the Secretary of Veterans Affairs to hire and retain physicians and other employees of the Department of Veterans Affairs, and for other purposes; and providing for consideration of the bill (H.R. 1181) to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 227, nays 185, not voting 17, as follows:

[Roll No. 162]

YEAS—227

Abraham	Cole	Gowdy
Aderholt	Collins (GA)	Granger
Allen	Comer	Graves (GA)
Amash	Comstock	Graves (MO)
Amodei	Conaway	Griffith
Arrington	Cook	Grothman
Babin	Costello (PA)	Guthrie
Bacon	Cramer	Harper
Banks (IN)	Crawford	Harris
Barletta	Culberson	Hartzler
Barr	Curbelo (FL)	Hensarling
Barton	Davidson	Herrera Beutler
Bergman	Denham	Hice, Jody B.
Biggs	Dent	Higgins (LA)
Bilirakis	DeSantis	Hill
Bishop (MI)	DesJarlais	Holding
Bishop (UT)	Diaz-Balart	Hollingsworth
Black	Donovan	Hudson
Blackburn	Duncan (SC)	Huizenga
Blum	Duncan (TN)	Hultgren
Bost	Dunn	Hunter
Brady (TX)	Emmer	Hurd
Brat	Farenthold	Issa
Bridenstine	Faso	Jenkins (KS)
Brooks (AL)	Ferguson	Jenkins (WV)
Brooks (IN)	Fitzpatrick	Johnson (LA)
Buchanan	Fleischmann	Johnson (OH)
Buck	Flores	Johnson, Sam
Bucshon	Fortenberry	Joyce (OH)
Budd	Foxx	Katko
Burgess	Franks (AZ)	Kelly (MS)
Byrne	Frelinghuysen	King (IA)
Calvert	Gaetz	King (NY)
Carter (GA)	Gallagher	Kinzinger
Carter (TX)	Garrett	Knight
Chabot	Gibbs	Kustoff (TN)
Chaffetz	Gohmert	Labrador
Cheney	Goodlatte	LaHood
Coffman	Gosar	LaMalfa

Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—185

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

NOT VOTING—17

Collins (NY)
Davis, Danny
Davis, Rodney
Deutch
Duffy
Fudge
Graves (LA)
Jordan
Kelly (PA)
Marino
Payne
Roybal-Allard
Rush
Sinema
Slaughter
Walorski
Wilson (FL)

□ 1358

Mr. ELLISON and Ms. McCOLLUM changed their vote from ''yea'' to ''nay.''

Messrs. TIPTON and DAVIDSON changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. ROYBAL-ALLARD. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall No. 162.

Ms. WILSON of Florida. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall No. 162.

Ms. SINEMA. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall No. 162.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 187, not voting 13, as follows:

[Roll No. 163]

AYES—229

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Joyce (OH)
Katko
Kelly (MS)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—187

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Smith (WA)

Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—13

Collins (NY)
Davis, Danny
Davis, Rodney
Deutch
Fudge
Harris
Jordan
Kelly (PA)
Marino
Payne
Rush
Slaughter
Walorski

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1406

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.

PERSONAL EXPLANATION

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, had I been present, I would have voted "yea" on rollcall No. 162, and "yea" on rollcall No. 163.

PERSONAL EXPLANATION

Mrs. WALORSKI. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 162, and "yea" on rollcall No. 163.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 243, nays 165, answered "present" 1, not voting 20, as follows:

[Roll No. 164]

YEAS—243

Abraham
Aderholt
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blunt Rochester
Bonamici
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (MD)
Buchanan
Budd
Bustos
Butterfield
Byrne
Calvert
Carter (TX)
Cartwright
Castro (TX)
Chabot
Chaffetz
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clay
Cole
Comer
Comstock
Cook
Cooper
Correa
Cramer
Crawford
Crist
Cuellar
Culberson
Cummings
Davidson
Davis (CA)
Davis, Rodney
DeGette
DeLauro
DelBene
Demings
Dent
DeSaulnier
DesJarlais
Diaz-Balart
Dingell
Doggett
Donovan
Duncan (SC)
Duncan (TN)
Dunn
Ellison
Emmer
Engel
Eshoo
Esty
Farenthold
Ferguson
Fleischmann
Fortenberry
Foster
Frankel (FL)
Franks (AZ)
Frelinghuysen
Gabbard
Gallego
Garamendi
Garrett
Goodlatte
Gowdy
Granger
Griffith
Grothman
Guthrie
Hanabusa
Harper
Harris
Hartzler
Heck
Hensarling
Higgins (LA)
Himes
Hollingsworth
Huffman
Hultgren
Hunter
Issa
Johnson (GA)
Johnson (LA)
Johnson, Sam
Jones
Kaptur
Kelly (MS)
Kennedy
Kildee
King (IA)
King (NY)
Knight
Krishnamoorthi
Kustoff (TN)
Labrador
LaMalfa
Lamborn
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lewis (MN)
Lipinski
Loebsack
Lofgren
Long
Love
Lowenthal
Lucas
Luetkemeyer
Lujan Grisham, M.
Luján, Ben Ray
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McCollum
McHenry
McMorris Rodgers
McNerney
Meadows
Meehan
Meeks
Meng
Messer
Moolenaar
Mooney (WV)
Moore
Mullin
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Newhouse
Nunes
O'Rourke
Olson
Palazzo
Palmer
Perlmutter
Pingree
Pocan
Polis
Posey
Quigley
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney, Francis
Rosen
Roskam
Ross
Rothfus
Royce (CA)
Ruppersberger
Russell
Rutherford
Sanford
Scalise
Schneider
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Smucker
Soto
Speier
Stefanik
Stewart
Suozzi
Swalwell (CA)
Takano
Taylor
Tenney
Thornberry
Titus
Torres
Trott
Tsongas
Vela
Wagner
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Webster (FL)
Welch
Westerman
Williams
Wilson (SC)
Wittman
Womack
Yarmuth
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—165

Adams
Aguilar
Amash
Barragán
Bass
Beatty
Bera
Bergman
Beyer
Biggs
Bishop (GA)
Blum
Bost
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Buck
Bucshon
Burgess
Capuano
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Castor (FL)
Clarke (NY)
Cleaver
Clyburn
Coffman
Cohen
Collins (GA)
Conaway
Connolly
Costa
Costello (PA)
Courtney
Crowley
Curbelo (FL)
DeFazio
Delaney
Denham
DeSantis
Doyle, Michael F.
Duffy
Espaillat
Evans
Fitzpatrick
Flores
Foxx
Gaetz
Gallagher
Gibbs
Gosar
Gottheimer
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hastings
Herrera Beutler
Hice, Jody B.
Higgins (NY)
Hill
Holding
Hoyer
Hudson
Hurd
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Joyce (OH)
Katko
Keating
Kelly (IL)
Khanna
Kihuen
Kilmer
Kind
Kinzinger
Kuster (NH)
LaHood
Lance
Langevin
Lee
Levin
Lewis (GA)
Lieu, Ted
LoBiondo
Loudermilk
Lowey
Lynch
MacArthur
Maloney, Sean
Matsui
McEachin
McGovern
McKinley
McSally
Mitchell
Moulton
Neal
Noem
Nolan
Norcross
O'Halleran
Pallone
Panetta
Pascrell
Paulsen
Pearce
Pelosi
Perry
Peters
Peterson
Pittenger
Poe (TX)
Poliquin
Price (NC)
Raskin
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Rokita
Ros-Lehtinen
Rouzer
Roybal-Allard
Ruiz
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schrader
Sewell (AL)
Sires
Stivers
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tipton
Turner
Upton
Valadao
Vargas
Veasey
Velázquez
Visclosky
Walberg
Watson Coleman
Weber (TX)
Wenstrup
Wilson (FL)
Woodall
Yoder

ANSWERED "PRESENT"—1

Tonko

NOT VOTING—20

Blumenauer
Collins (NY)
Conyers
Davis, Danny
Deutch
Faso
Fudge
Gohmert
Gonzalez (TX)
Huizenga
Jordan
Kelly (PA)
Larsen (WA)
Maloney, Carolyn B.
Marchant
Marino
Payne
Rooney, Thomas J.
Rush
Slaughter

□ 1413

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote numbers 162, 163, and 164. Had I been present, I would have voted "nay" on each vote.

VETERANS 2ND AMENDMENT PROTECTION ACT

Mr. ROE of Tennessee. Mr. Speaker, pursuant to House Resolution 198, I call up the bill (H.R. 1181) to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 198, the bill is considered read.

The text of the bill is as follows:

H.R. 1181

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 "Veterans 2nd Amendment Protection Act".

SEC. 2. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by inserting after section 5501A the following new section:

"§ 5501B. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

"Notwithstanding any determination made by the Secretary under section 5501A of this title, in any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the

item relating to section 5501A the following new item:

''5501B. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.''.

The SPEAKER pro tempore. The gentlemen from Tennessee (Mr. ROE) and the gentlewoman from Connecticut (Ms. ESTY) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. ROE of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD on H.R. 1181.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to not traffic the well during debate.

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

Mr. Speaker, too often, as Americans, we tend to take our freedom for granted. We should never forget we owe the freedom to our Nation's veterans. That is why it is so egregious that many veterans come home to find that they have to do battle with the VA—the very agency that is supposed to help and support them—to protect their own constitutional rights. The problem occurs when VA, for whatever reason, determines that a veteran needs assistance managing his or her VA financial benefits and decides to appoint a fiduciary.

Now, there may be many reasons that a veteran might need a fiduciary, such as a veteran who has TBI may have trouble with math and struggles to balance his or her checkbook. But it is important to remember that the decision to appoint a fiduciary is made by a VA bureaucrat, not a judge or a magistrate after ensuring that veteran's due process rights are protected.

Unfortunately, there are serious, unintended consequences when VA appoints a fiduciary. This is because, once VA decides that the beneficiary needs help with finances, even though there may be no evidence that the individual may be a danger to himself or others, the Department sends his or her name to the FBI to be added to the NICS list.

As you know, anyone whose name is on the NICS list is legally prohibited from possessing a firearm. This means that the veteran can no longer participate in sports like hunting or target shooting. The veteran is also legally obligated to relinquish any firearms he or she owns, including collector's pieces and family heirlooms.

I am opposed to the VA's existing policy not only because it deprives veterans of their constitutional rights without due process of law, I am also concerned that these veterans are not able to participate in recreational therapy programs like VA's program at the VA Grand Junction medical center in Colorado that enables veterans with physical and mental disabilities to go hunting or shooting. I know from personal experience that these therapy programs are very effective in helping these heroes recover from injuries that they have received while serving our country.

It is unfortunate that some of the opponents of this bill are perpetrating the outdated stereotypes that people who are mentally ill may be violent and should be feared. I am concerned that these false characterizations may actually deter people from seeking the health services they need.

It is hard enough for some people to admit they need help, Mr. Speaker, but image how much more difficult it is when they fear that they would be stigmatized and isolated. It is also possible that some veterans decide to avoid using VA healthcare services all together out of fear that a VA bureaucrat may decide that they are incompetent and take away their constitutional rights.

Let's take a look at the people who actually are added to the NICS list as a result of the Veterans Administration's appointing a fiduciary.

There are currently more than 1,000 children under the age of 20 here on the NICS list, likely because VA appointed a fiduciary because they are too young to handle their own money.

VA has also added the names of 107,000 people over 80 years old to the NICS list. These individuals probably just need help with their finances due to their advanced age.

But should VA really take away the Second Amendment rights from our Nation's seniors, particularly those who fought for the country? It is outrageous that the only group of people that can have their constitutional rights taken away without a hearing before a judge or magistrate are the very people who fought for those rights and their dependents. Even criminals must be convicted in a court of law before their names are added to that list, Mr. Speaker.

H.R. 1181 would simply prohibit VA from sending veterans' names to the NICS list unless there is an order from a judge or a magistrate that says the person may harm themselves or others.

This proposal has enjoyed bipartisan support in the past. In 2011, the House passed H.R. 2349, which included similar provisions, by voice vote. And just last month, both the House and Senate passed H.J. Res. 40, which prevented the Social Security Administration from implementing a similar policy to report the names of some people who have received disability insurance benefits to NICS.

H.R. 1181 also has wide support among the veterans community, including the American Legion, the VFW, and AMVETS. H.R. 1181 is also supported by the National Disability Rights Network and the National Rifle Association. Additionally, H.R. 1181 has a positive statement of the administration's support.

Mr. Speaker, veterans who fought to defend the Constitution should also be allowed the rights it protects. I urge all Members to support H.R. 1181. It is the right thing to do, and I reserve the balance of my time.

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

Mr. Speaker, I recently joined the Committee on Veterans' Affairs because of its bipartisan history of working together to improve care for our veterans. I stand ready to work with the committee—in particular, with Chairman ROE—and with every Member of this House to improve and work on the important issues that affect our veterans every day. However, I cannot support this bill, and I strongly urge my colleagues to oppose it.

As this House knows all too well, there is a veterans suicide crisis in this country, a crisis that is enabled by the easy access to firearms. Just last week, the Secretary of Veterans' Affairs, David Shulkin, told the House Committee on Veterans' Affairs that the issue of veteran suicide is one of his highest priorities, and it needs to be a priority of this House as well.

Today, on this day that we have this debate, 20 brave men and women who have worn the uniform in service of this country will take their lives in suicide, and the vast majority of them will use a gun.

As folks all over the country who have helped veterans know, the means matter. Research has shown that more than 85 percent of suicide attempts with a firearm are ultimately fatal compared with just 5 percent for all other means. That is why addressing the public health crisis in the veteran community demands a thoughtful and comprehensive approach: to ensure that veterans in crisis do not have easy access to guns and that they get the care that they need and deserve.

And yet, today, this House is voting on legislation that completely ignores the crisis that many of our most vulnerable veterans are facing. Unfortunately, this bill was rushed to the floor with no consideration in committee, collaboration, or even time for all of us to understand its full implications. The majority scheduled H.R. 1181 for a vote in committee last week with the bare minimum notice required, even having to move the start time of the markup to comply with the 48-hour notice requirement.

During last week's committee markup, I raised the concern shared by many who work closely on this issue that H.R. 1181 would end up being applied retroactively. The result of this bill being applied retroactively would mean that, if it should pass, more than 170,000 veterans currently prohibited from owning a firearm would be able to

pass a background check and buy a gun.

While the chairman expressed his sincere intent and desire that this legislation not be applied retroactively, it is fair to say that reasonable people disagree on how this bill would be implemented. This honest disagreement, alone, illustrates exactly why this House should be taking its time on a bill that could have such a profound impact on our Nation's veterans.

The fact of the matter is that, should H.R. 1181 be signed into law, it would need to be read together with the NICS Improvement Amendments Act of 2007, which requires—requires—Federal agencies to update the records they have previously shared with NICS, meaning, should this bill pass, the VA would be required to remove the 170,000 records they have previously shared with NICS since none of those were approved by a court, nor did they meet the new standard established by this bill.

Now, with respect to the text of the bill itself, the Veterans 2nd Amendment Protection Act, contrary to its name, would create an end run around the firearms mental health prohibitor that we have attempted to refine and improve since Congress passed the Brady Act nearly 20 years ago and the bipartisan NICS Improvement Amendment Act of 2007.

Put simply, this bill would make it easier, not harder, for those veterans in crisis to get access to a firearm by establishing a new judicial requirement that is far higher than any other agency's or department's implementation of the firearms mental health prohibitor, and, quite frankly, would be impractical, if not impossible, for the VA to actually use. The VA is already strapped for resources, and it is unclear if it has the legal standing to initiate a legal proceeding such as that suggested in the bill.

As Members of this House know very well, there has been a fierce debate in this country over the meaning and extent of the Second Amendment right to bear arms. But the question before this House today is not whether an American has a right to own a firearm. The Supreme Court has been very clear on this issue, and the controlling law has been settled. However, constitutional rights are not absolute. As the late Justice Scalia wrote in the controlling Supreme Court Heller decision on the Second Amendment, ''the Second Amendment is not unlimited.''

The question before this House is whether we are going to summarily overturn the VA's efforts over the last 20 years to help prevent veteran suicide and protect veterans' families by reporting the names of veterans with serious mental health issues to the National Instant Criminal Background Check System, known as NICS.

Supporters of this legislation argue that the current process used by the VA to share mental health records with NICS is overinclusive and must be thrown out and replaced with a process that ensures veterans' due process rights.

I agree that the current process is overinclusive, and I agree that we must do more to ensure veterans have sufficient notice, an opportunity to be heard, and a meaningful opportunity to appeal any decision that may impact their constitutional rights; and I stand ready to work with my colleagues on the committee and in this House to more specifically tailor the application of the firearms background checks law as it applies to veterans, both prospectively and retroactively.

□ 1430

But a wholesale elimination of the VA's long-established practice to help keep firearms out of the hands of veterans who are at serious risk of harming themselves or others is dangerous and misguided.

To be clear, of the 170,000 veterans currently prohibited from owning a firearm, as of 2015, almost 20,000 of them were diagnosed with schizophrenia, over 11,000 with dementia, and over 5,000 with Alzheimer's. For a veteran suffering with a significant mental health condition like one of these, access to a firearm is a serious matter.

Moreover, just 3 months ago, this Congress passed bipartisan legislation that codified a process for how the VA can make a determination of the mental capacity of a veteran before that information is sent to NICS. The 21st Century Cures Act, which passed this House 3 months ago by a vote of 392–26, required a veteran to be provided notice of a proposed financial competency determination and given an opportunity to be heard, present evidence, and be represented at a hearing.

H.R. 1181 seeks to undo this carefully crafted compromise before we even have a chance to study the impacts of the 21st Century Cures Act or the VA's existing practices.

Mr. Speaker, I include in the RECORD a letter signed by 12 veterans, including retired Generals Stanley McChrystal and David Petraeus, whose leadership and support for our military and veterans community is unquestioned and who believe that this bill could put mentally ill veterans in harm's way by giving them easy access to firearms.

VETERANS COALITION FOR COMMON SENSE,
March 14, 2017.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. PAUL RYAN,
Speaker, House of Representatives,
Washington, DC.
Hon. CHUCK SCHUMER,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. NANCY PELOSI,
Democratic Leader, House of Representatives,
Washington, DC.

DEAR MAJORITY LEADER MCCONNELL, LEADER SCHUMER, SPEAKER RYAN AND LEADER PELOSI, As dedicated service members and members of the Veterans Coalition for Common Sense, we write to you today to express our grave concerns with legislation being considered by Congress, the Veterans 2nd Amendment Protection Act. This proposal would put America's veterans who need our support the most in harm's way by providing them with easy access to firearms. Instead of passing this irresponsible and dangerous legislation, Congress should instead do more to guarantee that all veterans have access to world-class medical and counseling services. We urge you to oppose this bill.

Our nation is facing a devastating epidemic of veteran suicide. The bill you are debating comes at a time when an average of 20 veterans commit suicide each day, two-thirds of whom do so by using a firearm. We know that non-deployed veterans are at a 61 percent higher risk of suicide compared to the American civilian population, and deployed veterans are at a 41 percent higher risk. Firearms are the most lethal means when it comes to suicide, resulting in death nine out of ten times. When vulnerable veterans have access to firearms, they can do harm not only to themselves but also to family members and loved ones. The impact of these tragedies is felt in communities across our nation.

Last week, we were pleased to hear Secretary of Veterans Affairs (VA) David Shulkin announce his intent to provide urgent mental health care services to veterans with other-than-honorable discharges. This is a step in the right direction. Over 22,000 soldiers in the Army alone have received these bad paper discharges since 2009 due to mental health conditions, and they are among the ones who most need access to comprehensive mental health services.

But they are not the only ones. In 2008, President Bush signed a law requiring all federal agencies to submit the names of individuals who are legally prohibited from possessing guns to the National Instant Criminal Background Check System (NICS). Since then, the VA has submitted over 174,000 names of servicemen and women who require a fiduciary to manage their benefits and have been determined through clear and convincing evidence to meet the federal standard for gun prohibition. Of these 174,000, 19,000 are individuals that suffer from schizophrenia and another 15,000 have severe PTSD.

For these individuals, possession of a firearm could be fatal. The Veterans 2nd Amendment Protection Act would put at risk the safety of these veterans and our communities by changing the standard for gun prohibition, so the VA's determinations would no longer stop a veteran from obtaining a gun. Instead, the names of veterans already in the background check system would be erased, putting them at much greater risk of self-harm. This would be irresponsible, dangerous, and life threatening to those who need access to care, not weapons.

Just last year, Congress worked to ensure that all veterans have appropriate due process protections in place through the 21st Century Cures Act. This codified existing practice and guaranteed that individuals who disagree with their final adjudication have the ability to appeal this determination.

We appreciate your service to your country in the United States Congress, and look forward to working with you to support and protect our men and women in uniform and their communities. In doing so, we urge you to oppose the Veterans 2nd Amendment Protection Act. Thank you for your consideration.

Sincerely,

Admiral Thad Allen, USCG (Ret.); General Peter W. Chiarelli, USA (Ret.); General Wesley Clark, USA (Ret.); General Michael V. Hayden, USA (Ret.);

General James T. Hill, USA (Ret.); General Stanley A. McChrystal, USA (Ret.); Admiral Eric T. Olson, USN (Ret.); General David H. Petraeus, USA (Ret.); Lieutenant General Mark Hertling, USA (Ret.); Lieutenant General Russel Honore, USA (Ret.); Lieutenant General Claudia J. Kennedy, USA (Ret.); Lieutenant General Norman R. Seip, USAF (Ret.); Rear Admiral James ''Jamie'' A. Barnett, USN (Ret.); Brigadier General Stephen A. Cheney, USMC (Ret.).

Ms. ESTY. Mr. Speaker, I include in the RECORD a letter from Everytown for Gun Safety and a coalition letter led by the Newtown Action Alliance signed by over 40 organizations from around the country opposing this bill.

EVERYTOWN FOR GUN SAFETY,
New York, NY, March 7, 2017.

Re Reject H.R. 1181, which would put U.S. veterans in danger.

Hon. PHIL ROE,
Chairman, House Committee on Veterans' Affairs, Washington, DC.
Hon. TIM WALZ,
Ranking Member, House Committee on Veterans' Affairs, Washington, DC.

DEAR CHAIRMAN ROE AND RANKING MEMBER WALZ: I write to express Everytown for Gun Safety's strong opposition to H.R. 1181. In the midst of a suicide epidemic among our veterans, this bill would discard hundreds of thousands of mental health records from the background check system and enable Veterans Affairs beneficiaries suffering from severe mental illness to buy firearms.

The stakes could not be higher. Twenty U.S. veterans take their lives each day—a suicide rate more than 20 percent higher than among the civilian population. Two in three of those suicides are carried out with firearms. While suicide in the general population has decreased since the turn of the century, suicide among veterans has not.

H.R. 1181 would repeal the law that blocks VA beneficiaries from possessing or purchasing firearms if they have been found mentally incompetent, after receiving due process and the right to a formal hearing. According to the VA, more than 170,000 prohibiting records for these beneficiaries are already in the background check system. Under this legislation, those records would no longer lead to a failed background check—and would be removed from the system entirely. H.R. 1181 would roll back the law that prohibits people with a VA incompetency finding from purchasing firearms—even though many of these beneficiaries suffer from schizophrenia or severe long-term post traumatic stress disorder.

The current process works, and it provides veterans with due process. To make an incompetency finding, VA officials must have clear and convincing evidence. The beneficiary has an opportunity to request a formal hearing and may appeal an adverse decision to a federal judge. Indeed, the 21st Century Cures Act, passed in 2016 by the Republican Congress and signed into law by President Obama, provides new comfort at the statutory level that beneficiaries can present evidence from a mental health professional and be represented by counsel at incompetency hearings.

When it comes to suicide, means matter. When suicide is attempted with a firearm, the chances that a person will actually end his or her life are radically increased. Because firearms are uniquely lethal, up to 90 percent of suicide attempts with guns result in death. In addition, suicide is often an impulsive act and 90 percent of people who attempt and fail to kill themselves do not end up dying from suicide. Preventing firearm access in these moments of crisis can be the difference between a long life and a tragedy.

I urge you to protect our service members and veterans by rejecting H.R. 1181.

Sincerely,

JOHN FEINBLATT,
President.

NEWTOWN ACTION ALLIANCE,
Newtown, CT, March 14, 2017.

DEAR MEMBERS OF CONGRESS: We strongly urge you to oppose H.R. 1181—Veterans 2nd Amendment Protection Act, a bill that would immediately remove 174,000 individuals deemed ''mentally incompetent'' by the Department of Veterans Affairs (VA) Secretary from the National Instant Criminal Background Check System (NICS). These individuals who suffer from serious mental illnesses like dementia, schizophrenia, and severe post-traumatic stress disorder (PTSD) will be able to access firearms more easily. With veteran suicide rate increasing by 32.2% from 2001 to 2014, Congress should be closing the background check loopholes rather than weakening our background check system.

Please thoroughly review the 2014 veteran suicide statistics from VA's Fact Sheet on Suicide Prevention to understand why HB 1181 must be opposed to reduce the tragic epidemic of veteran suicides in our nation.

https://www.va.gov/opa/publications/factsheets/Suicide_Prevention_FactSheet_New_VA_Stats_070616_1400.pdf

''Veteran Suicide Statistics, 2014

In 2014, an average of 20 Veterans died from suicide each day. 6 of the 20 were users of VA services.

In 2014, Veterans accounted for 18% of all deaths from suicide among U.S. adults, while Veterans constituted 8.5% of the US population. In 2010, Veterans accounted for 22% of all deaths from suicide and 9.7% of the population.

Approximately 66% of all Veteran deaths from suicide were the result of firearm injuries.

There is continued evidence of high burden of suicide among middle-aged and older adult Veterans. In 2014, approximately 65% of all Veterans who died from suicide were aged 50 years or older.

After adjusting for differences in age and gender, risk for suicide was 21% higher among Veterans when compared to U.S. civilian adults. (2014)

After adjusting for differences in age, risk for suicide was 18% higher among male Veterans when compared to U.S. civilian adult males. (2014)

After adjusting for differences in age, risk for suicide was 2.4 times higher among female Veterans when compared to U.S. civilian adult females. (2014)

Overview of data for the years between 2001–2014

In 2014, there were 41,425 suicides among U.S. adults. Among all U.S. adult deaths from suicide, 18% (7,403) were identified as Veterans of U.S. military service.

In 2014, the rate of suicide among U.S. civilian adults was 15.2 per 100,000.

Since 2001, the age-adjusted rate of suicide among U.S. civilian adults has increased by 23.0%.

In 2014, the rate of suicide among all Veterans was 35.3 per 100,000. Since 2001, the age-adjusted rate of suicide among U.S. Veterans has increased by 32.2%.

In 2014, the rate of suicide among U.S. civilian adult males was 26.2 per 100,000.

Since 2001, the age-adjusted rate of suicide among U.S. civilian adult males has increased by 0.3%.

In 2014, the rate of suicide among U.S. Veteran males was 37.0 per 100,000.

Since 2001, the age-adjusted rate of suicide among U.S. Veteran males has increased by 30.5%.

In 2014, the rate of suicide among U.S. civilian adult females was 7.2 per 100,000.

Since 2001, the age-adjusted rate of suicide among U.S. civilian adult females has increased by 39.7%.

In 2014, the rate of suicide among U.S. Veteran females was 18.9 per 100,000.

Since 2001, the age-adjusted rate of suicide among U.S. Veteran females has increased by 85.2%.''

Gun suicides and homicides are preventable with common sense gun laws. Connecticut passed the second strongest gun violence prevention laws in America after the Sandy Hook tragedy, without infringing on the Second Amendment rights of gun owners. Regrettably, Congress failed to take action after the Sandy Hook massacre and over 400,000 Americans have been killed or injured by guns since the gunman with severe mental illness brutally gunned down 20 innocent children and six educators in five minutes. If it can happen in Sandy Hook then it can happen anywhere.

We urge you to adequately represent the 90 percent of Americans who continue to support expanded background checks to keep guns away from individuals who are a danger to themselves or others. We implore you to vote NO to H.R. 1181, fix NICS and pass an expanded background check bill to protect the military service members, our veterans, our families and our communities throughout the United States.

Sincerely,

Newtown Action Alliance, Blue Star Families, CeaseFire Pennsylvania, CHICAGO SURVIVORS, Coalition Against Gun Violence, Colorado Ceasefire Legislative Action, Connecticut Against Gun Violence, Delaware Coalition Against Gun Violence, Episcopal Peace Fellowship, Gays Against Guns, Greenwich Council Against Gun Violence, Gun Violence Prevention Center of Utah, GunControlToday, Hoosiers Concerned About Gun Violence, Indivisible DuPage, Iowans for Gun Safety, Iowans for Gun Safety, Jessi's Message, Joint Action Committee, Maine Gun Safety Coalition, Marylanders to Prevent Gun Violence, Nebraskans Against Gun Violence.

New Castle NH Huddle, New Castle Promise, North Carolinians Against Gun Violence, NYAGV, Ohio Coalition Against Gun Violence, One Pulse for America, Pride Fund to End Gun Violence, Protect Minnesota, Rabbinical Assembly, Reconstructionist Rabbinical Association, Rhode Island Coalition Against Gun Violence, Seacoast Family Promise, States United to Prevent Gun Violence, Stop Handgun Violence, Texas Gun Sense, The Virginia Center for Public Safety, The Virginia Gun Violence Prevention Coalition, Unitarian Universalists of Santa Fe, WAVE Educational Fund, Women Against Gun Violence, Women's Voices Raised for Social Justice, St. Louis, MO.

Ms. ESTY. Mr. Speaker, I recognize that the current practice of information sharing between the VA and NICS is overinclusive and that alternatives should be explored that would more appropriately balance veterans' Second Amendment rights with ensuring that veterans who pose a danger to themselves or to others do not have access to firearms.

This bill, however, was not considered through regular order and no genuine attempt was made to work across the aisle or with the VA to craft a real solution that addresses the real crisis of veterans' suicide in this country.

I stand ready to work with the chairman to address legitimate concerns regarding the VA process. And in fact, just yesterday, I visited at length with VA Secretary Shulkin on how we can all work together to keep our veterans safe and get them the care and support they and their families need.

I cannot support any bill, especially one addressing an issue as important as veterans' suicide, through this rushed process.

I ask all of my colleagues to join me in opposing H.R. 1181. Our veterans put their lives on the line for this country. We shouldn't put their lives and their families at risk when they need us most.

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

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

In America, the last time I looked, you are presumed innocent until proven guilty. What we have done with these veterans who have served this country, many of them injured in combat, is we have said you are guilty and you have to prove you are innocent to be able to own a firearm in your own home.

By the way, Mr. Speaker, people who are in a fiduciary status actually statistically have a slightly lower incarceration rate than veterans who are not. So to say that they are a danger to themselves or a danger to others is erroneous.

The other thing I would like to say is that the 21st Century Cures Act, Mr. Speaker, has codified basically the VA policy is what it did. It did not change the policy. What we are saying to veterans is that if you are an honorably discharged veteran who needs a fiduciary for whatever reason, you automatically lose a constitutionally guaranteed right.

I yield 2 minutes to the gentleman from Illinois (Mr. BOST), an active member of the Veterans Affairs' Committee.

Mr. BOST. Mr. Speaker, I rise today in support of the Veterans 2nd Amendment Protection Act.

It is unfortunate that under current practices, it doesn't take a doctor or a judge to determine a veteran is unfit to own a firearm. Not a doctor, not a judge; it just takes the assignment of the fiduciary.

Mr. Speaker, the women and men took an oath of office to protect and defend our Constitution—the same as we do in our offices to serve our veterans—and to stand in harm's way.

Mr. Speaker, this is exactly the opposite of what our legal system should allow. There is no due process. All of a sudden they go to the VA. They are seeking help with maybe other issues that are out there—because they can't even have a judge or a doctor make that decision, if that is the case—but they do make a decision that they have to have a fiduciary to help them with certain things.

It is vitally important that we maintain the due process. This legislation still allows for dangerous individuals to be denied their firearms, but it leaves the determination to someone with the expertise to understand their case. This is a case where bureaucracy has run amok. We have got to stop it. That is what our job here is to do.

Our Second Amendment rights are vitally important. Each amendment and those rights under our Constitution are vitally important. And for those men and women who have served to protect those rights, shouldn't we make sure that they are protected with due process.

I urge my colleagues to support H.R. 1181.

Ms. ESTY. Mr. Speaker, I yield myself such time as I may consume to respond to the assertion that there is no due process in this act and that the 21st Century Cures Act did not do anything to help veterans.

The 21st Century Cures Act codified the following due process guaranteed to veterans through the VA. Individuals are notified by the VA that a fiduciary is recommended and are allowed 30 days to respond with a notification of acceptance or contest, and they are notified of the implications that this would have for being reported to NICS. The veteran then has 60 days to present evidence against the need for a fiduciary. And as required by law, the VA relief process allows impacted individuals to maintain their fiduciary, but regain gun eligibility removing their names from NICS. These are all already processes in place.

I yield 3 minutes to the gentleman from California (Mr. TAKANO), who is the vice ranking member of the Veterans' Affairs Committee.

Mr. TAKANO. Mr. Speaker, I rise in opposition to H.R. 1181.

The epidemic—actually, rather the tragedy—of veterans' suicide has affected families across the country, including my own. I recall walking home after school at the age of 10 or 11 in the month of November—as you know, Veterans Day is in the month of November—and hearing the news that my uncle, who lived across the street from us, had taken his own life with a firearm. He was a Vietnam veteran, and his memory serves as a personal reminder about the tragedy of veterans' suicide. To this day, it continues to plague our communities with our recent conflicts in Iraq and Afghanistan.

Of the 20 veterans who die from suicide every day, two-thirds of those occur by firearm. Part of stopping this crisis is keeping guns out of the hands of our most vulnerable veterans. Removing all individuals determined by the VA to be mentally incompetent from the National Instant Criminal Background Check System will make it easier for a veteran in crisis to obtain a firearm.

To be clear, there are veterans currently flagged in the background check system who should not be there, and we need to create a fair and streamlined process for veterans to appeal their status.

But there is a balance between protecting veterans' Second Amendment rights and protecting veterans who are a danger to themselves or others. Immediately removing restrictions on every individual does not strike the right balance. Instead, it rolls back the bipartisan work we have done through the 21st Century Cures Act, and it endangers the lives of veterans who need our help the most.

I urge my colleagues to oppose this bill.

Mr. ROE of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Speaker, I rise in strong support of H.R. 1181, the Veterans 2nd Amendment Protection Act. Our veterans should not lose their right to bear arms and defend themselves and their families simply because they receive health care from the VA and have someone appointed to help them with their finances.

Currently, when a veteran appoints a fiduciary to help them manage their VA benefits, the VA automatically adds the veteran's name to a list that prevents them from purchasing a firearm. It makes no sense to take away a veteran's constitutionally protected rights simply because someone else is managing their finances.

Opponents of this bill argue that dangerous or suicidal veterans could have easy access to guns if this VA process is stopped. However, the program does not make any determination on veterans' mental health or the dangers they pose to others. The VA system focuses only on whether veterans receive assistance with their finances.

The right to bear arms is too important to deprive veterans of due process without a judicial determination of whether the veteran poses a threat to themselves or others. Those who defend our Nation, whether or not they use a fiduciary to manage their benefits, are entitled to the right to defend themselves.

I urge my colleagues to support this good bill.

Ms. ESTY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BERA).

Mr. BERA. Mr. Speaker, I rise today in opposition of the so-called Veterans 2nd Amendment Protection Act. I agree with the chairman of the full committee that we don't want to take away Second Amendment rights from our veterans. In fact, our veterans have the skills and understanding of how to handle firearms. I think about this as a doctor, though, who has served veterans and who has worked in the VA system.

We have an epidemic on our hands right now. Every day, 20 veterans commit suicide. That is 20 too many. As someone who has sat in the exam room and listened to these veterans, if there is any evidence or risk of suicidal ideations, if there is any risk of that, I

don't want to take doctors out of this process, and that is what I am worried about here. My first job is to do no harm and to do good and help protect these veterans.

Two out of three veterans who commit suicide do so with a firearm. We have got to prevent this. This is an epidemic, and it is a national crisis, and we know gun suicides are preventible.

When we see those risks, I want to make sure I, as a doctor, have the ability to act and protect that veteran. We need to address this problem like the public health issue that it is. We need to continue to allow doctors to report the risks when they see them. It makes their patients safer, their communities safer, and it is the right thing to do.

I would love to work with my colleague, a fellow doctor and the chairman of the full committee, on making sure we protect our veterans.

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

The text of this bill does not remove the names of anyone who is currently on the NICS list. It simply prohibits the VA Secretary from continuing to send the names of beneficiaries who utilize a fiduciary to the NICS list. And there is nothing in the bill that would require the VA Secretary to take any action with respect to those already on the list.

Just one other thing, Mr. Speaker, to show you how the VA's policy is not consistent: just as an example, a veteran who is rated at 100 percent disabled for PTSD is not automatically given a fiduciary, even though the symptoms required for that rating may include suicidal or homicidal ideation. So they are very inconsistent about how they do this. And of the 915,744 veterans who have a service-connected PTSD condition, only 1.7 percent of them have a fiduciary. Remember, they lose their constitutionally guaranteed right.

I yield 1½ minutes to the gentleman from Texas (Mr. FARENTHOLD), a hardworking member of this conference.

□ 1445

Mr. FARENTHOLD. Mr. Speaker, under current practice, if a veteran or beneficiary is appointed a fiduciary by the VA, they are automatically labeled as mentally defective and added to the FBI's background check system which prohibits them from purchasing a firearm. This rule fails to identify which beneficiaries have a mental illness that make them a danger, instead instituting a blanket ban on anyone who needs help managing their benefits, and it discourages veterans who need help from seeking help.

The Veterans 2nd Amendment Protection Act will prohibit the VA from considering a beneficiary just because they are assisted by a fiduciary as mentally defective without due process. Just because you have trouble managing your finances doesn't mean you are dangerously mentally ill. This discourages veterans who may need help from seeking help.

We owe it to our veterans and to all Americans to protect the freedoms guaranteed by our Constitution and ensure that they are not taken away without due process. That is why I urge my colleagues to join me in supporting this bill.

Ms. ESTY. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentlewoman from Connecticut has 14 minutes remaining. The gentleman from Tennessee has 18½ minutes remaining.

Ms. ESTY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentlewoman for yielding and thank her for her leadership on this issue.

Mr. Speaker, I rise in opposition to this piece of legislation. This bill undermines our commitment to our veterans, it weakens our background check system, and it puts guns in the hands of those who shouldn't have them.

I am a combat veteran and I am a gun owner. I strongly support the Second Amendment. With responsible gun ownership comes the recognition that not everyone is mentally capable to own a gun.

Every day, 20 veterans take their own life, most of those with a firearm, so the VA acted to prevent violence and to comply with the law by keeping guns out of the hands of veterans who are in crisis. These are veterans with very serious diagnoses, including 20,000 veterans diagnosed with schizophrenia, over 11,000 with dementia, and more than 5,000 with Alzheimer's. Passing this bill would remove their names from our background check system.

This is absolute stupidity. The VA has done a good job to keep more than 174,000 veterans with serious mental health problems from getting a gun. They are working hard to save the lives of these veterans. This bill would make it easier for veterans to take their own life.

I don't want to see another veteran become a statistic. Passing this bill puts our veterans at risk. We owe them the best care and support. Sadly, this bill would leave them more vulnerable than ever. This is a dangerous overstep, and I urge every Member to seriously consider the impact this will have on our veterans, their families, and their communities.

Mr. ROE of Tennessee. Mr. Speaker, once again, let me state this for the record. The text of this bill does not remove the names of anyone who is currently on the NICS list, except it prohibits the VA Secretary from continuing to send the names of the beneficiaries who utilize a fiduciary to the NICS list.

I don't want guns in the hands of anybody who should not own a gun who is mentally unstable, but what we are saying is that a VA rater should be a judge or a magistrate, where you can argue both sides of this in front of them. It shouldn't be a VA bureaucrat that is doing this.

I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY), the chairman of the Agriculture Committee.

Mr. CONAWAY. Mr. Speaker, I rise today in support of the Veterans 2nd Amendment Protection Act, a bill that I have supported for the last several Congresses.

The Second Amendment is a constitutional right for all of us, but it is especially sacred to the men and women who put their lives on the line to protect our Constitution and our way of life. Unfortunately, under current law, many of our servicemembers who use a fiduciary to help them navigate the increasingly complicated Department of Veterans Affairs are automatically labeled as mentally defective—which, in this politically correct era, is probably not the best way to phrase them—which places them in the FBI's National Instant Criminal Background Check System.

This label wrongly denies these veterans their constitutional right to bear arms. The determination for a label of this magnitude should rest with the courts, as this bill ensures, not with a bureaucrat, as the current practice dictates.

Mr. Speaker, as our colleagues on the other side of the aisle said, they have listed some almost 40,000 people who have a clinical issue who deserve to have a conversation of the 174,000 that are on the list. What about the other 130,000?

As the other side has also admitted, it overreaches and is beyond what we should be doing. Their gratuitous offer to negotiate to fix that, they know, of course, that the current practice of just labeling folks by a bureaucrat would remain in place throughout that negotiation process if it were to ever actually occur.

All too often, government bureaucracies fail the very men and women who fought to protect this Nation; however, this bill is an easy fix to ensure that veterans aren't further hindered by Big Government bureaucracies.

I urge my colleagues to support the legislation.

Ms. ESTY. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. GALLEGO).

Mr. GALLEGO. Mr. Speaker, I rise in opposition to H.R. 1181. As a combat veteran in the Iraq war, the issues we are debating this afternoon are deeply personal to me.

Veteran suicide has reached crisis levels in this country, and our failure to do more to help veterans in desperate need of mental health care is truly shameful. Unfortunately, Republicans have brought forward a bill today that will make this crisis even worse.

Here is the plain truth. If we allow people with serious mental illnesses to purchase dangerous weapons, we are putting their lives and the lives of their loved ones at risk.

Mr. Speaker, at a time when more veterans are taking their own lives, we should be debating how to get them greater resources and support, not easier access to firearms. At least 10—10—esteemed military leaders, including David Petraeus, Michael Hayden, and Stanley McChrystal all agree. Here is what they wrote in a heartfelt letter to Congress:

''Our Nation is facing a devastating epidemic of veteran suicide. The bill you are debating comes at a time when an average of 20 veterans commit suicide each day, two-thirds of whom do so by buying a firearm.

''We know that nondeployed veterans are at a 61 percent higher risk of suicide compared to the American civilian population, and deployed veterans are at a 41 percent higher risk'' than the American civilian population.

''When vulnerable veterans have access to firearms, they can do harm not only to themselves but also to their family members and loved ones. The impact of these tragedies is felt in communities across our Nation.

''The VA has submitted over 174,000 names of servicemen and -women who require a fiduciary to manage their benefits and have been determined through clear and convincing evidence to meet the Federal standard for gun prohibition.

''Of these 174,000, 19,000 are individuals that suffer from schizophrenia, and another 15,000 have severe PTSD.

''For these individuals, possession of a firearm could be fatal.''

They conclude by calling the bill before us today ''irresponsible, dangerous, and life threatening to those who need access to care, not weapons,'' and I couldn't agree more with that.

The question for my Republican friends is a simple one: Do you know more about what is best for our veterans than General Hayden? Do you have a better understanding of what would improve their welfare than General McChrystal? Do you appreciate their needs more acutely than General Petraeus? If the answer is no, then you should vote ''no'' on this bill later today.

Mr. Speaker, if this legislation is signed into law, more veterans will take their own lives. That is the tragic reality we face. Please side with General Petraeus and General McChrystal. Side with your conscience and your values. Side with our veterans. Please vote ''no.''

Mr. Speaker, I include in the RECORD a letter from the Law Center to Prevent Gun Violence regarding a summary of the effect of H.R. 1181.

LAW CENTER TO
PREVENT GUN VIOLENCE,
March 10, 2017.

MEMORANDUM

To Interested Parties.
From Americans for Responsible Solutions.
Re Effect of H.R. 1181 (2017): Veterans 2nd Amendment Protection Act.

SUMMARY

H.R. 1181, the Veterans 2nd Amendment Protection Act, would mandate that veterans determined to be mentally incompetent or incapacitated by the Veterans Administration (VA) shall not be considered to have been ''adjudicated as a mental defective'' for the purposes of federal firearms law without a finding by a judge or judicial authority that the veteran is a danger to self or others.

The VA has reported records to the FBI's National Instant Criminal Background Check System (NICS) regarding more than 170,000 beneficiaries who were adjudicated as mentally incompetent under a very different standard. The vast majority of those incompetency adjudications have been made (1) without a finding of dangerousness and (2) without the involvement of a judge or judicial officer.

In short, this bill would drastically change the standard under which veteran beneficiaries may be considered ''adjudicated'' for the purposes of federal firearms law, and it provides no express time limitation to ensure that this new standard would not be applied to VA adjudications that occurred before enactment of this bill. As a result, there is significant concern about how this legislation would affect veterans who have previously been adjudicated as mentally incompetent by the VA, and who are, as a result, currently considered subject to federal law's firearm prohibition.

The NICS Improvement Amendments Act of 2007 (NIAA) states that once a federal department or agency is aware that, when the basis under which a record was made available to NICS does not apply, or no longer applies, a federal agency must ''update, correct, modify, or remove the record from any database that the agency maintains and makes available to the Attorney General, in accordance with the rules pertaining to that database; and (ii) notify the Attorney General that such basis no longer applies so that the National Instant Criminal Background Check System is kept up to date.'' A strong argument could be made that, if H.R. 1181 were to become law, most beneficiaries who have been found to be mentally incompetent by the VA could no longer be considered subject to federal law's firearm prohibition.

RELEVANT LANGUAGE

The relevant language of the bill states: ''Notwithstanding any determination made by the Secretary under section 5501A of this title, in any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.''

The key phrase is ''in any case arising out of the administration by the Secretary of laws and benefits under this title.'' This phrase determines the scope of the individuals that would be affected by this bill. It is not limited to cases that the Secretary administers subsequent to the enactment of the bill, but rather is unbounded in time. This language could therefore be interpreted to apply to any case arising out of the administration of these laws and benefits by the Secretary, regardless of when the case occurred. If the NICS Section of the FBI follows this interpretation, it may remove records of these individuals from NICS.

This would have far-reaching impact. Currently, few if any mental incompetency determinations by the VA are made by a judge, magistrate, or judicial authority. These determinations are made my VA examiners who determine, in the course of processing veterans' benefits claims, that as a result of as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease, a beneficiary ''lacks the mental capacity to contract or manage his or her own affairs'' and requires a fiduciary to handle the disbursement of benefits. Because these beneficiaries require a fiduciary to handle disbursement of their payments due to mental incompetence, they are considered to ''lack[] the mental capacity to . . . manage [their] own affairs . . . as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease,'' and are therefore prohibited from possessing a firearm under existing federal law.

These incompetency determinations may be appealed to the VA's administrative Board of Veterans Appeals, and then eventually to federal court, but the federal judges reviewing the case would be reviewing the VA's finding that the veteran is mentally incompetent, and would have no basis for determining whether or not the veteran was ''a danger to himself or herself or others.'' Determining whether a person is a danger to self or others is generally outside the purview of the Veterans Benefits Administration or cases arising out of the administration of laws regarding veterans' claims for benefits.

If an incompetent beneficiary seeks relief specifically from the NICS firearm prohibition, the VA must determine whether the beneficiary has proven by clear and convincing evidence that ''he or she is not likely to act in a manner dangerous to self or others, and the granting of relief is not contrary to public safety and/or the public interest.'' Essentially, the VA is tasked in these cases with assessing whether the beneficiary met a substantial burden of proving non-dangerousness. This does not involve a finding by a judge, magistrate, or judicial authority. Though veterans may then appeal an action by the VA denying NICS relief to a federal district court judge, that judge would be tasked with reviewing whether the evidence reasonably justified the VA's determination that the veteran failed to provide clear and convincing evidence that he or she was not dangerous. It is not clear even in these rare cases that a judge upholding the VA's determination would have occasion to make an affirmative finding that the person was a danger to self or others.

In short, this bill would drastically change the standard under which veteran beneficiaries may be considered ''adjudicated'' for the purposes of federal firearms law, and provides no express time limitation to ensure that this new standard shall not be applied to previous adjudications by the VA. It could therefore threaten to implicitly require that NICS lose nearly every prohibiting mental health record it has ever received from the VA.

LIMITING AMENDMENT

In order to avoid the loss of these records in NICS, we suggest amending the phrase ''in any case arising out of the administration . . .'' to refer only to cases arising subsequent to the enactment of this law.

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

I guess by listening to the debate that is going on, one would assume that someone who has a fiduciary would be a danger to themselves and others, and I think that is completely erroneous to assume that.

Let me read you excerpts of a floor statement that Senator BURR made in 2009 to show you how this can get off track. And we are going to put sort of a human face on this, just an excerpt from a letter that Jennifer wrote as the wife of Corey.

''Corey served in Iraq. He was a paramedic. He was severely injured by an IED explosion in 2004, which caused severe burns, damage to his lungs, and severe traumatic brain injury after shrapnel entered his skull. Corey spent . . . 5 years recovering from his injuries. Jennifer reports that he is walking, talking, and enjoying life at home with his two children.

''Now it gets really sad. Because of his head injury, Corey still requires help with certain things. The VA said he needed help managing his disability compensation payments, and they named Jennifer, his spouse, as his fiduciary''—his wife. ''That is where I would like to read you her letter. Again, I quote from the letter:

'' 'On May 19, 2009, we had our annual fiduciary meeting with the VA field examiner. At the end of the meeting, our field examiner said he needed to read a statement to us. He read the Brady Bill statement and then stated that Corey can't own, possess, use, be around, et cetera, any firearms. He then went on to say that anyone in our household can't own a gun while living in this household.

'' 'I asked him about Corey going on adaptive hunting trips and he said he couldn't. Corey stated that he had a gun that was handed down from his grandfather and that Corey was going to hand it down to his son, and the field examiner told him that he couldn't have it. He stated to Corey that if he did own a gun or be around a gun that he would be threatened with imprisonment.

'' 'The way that that field examiner talked to Corey about this issue was not appropriate. The field examiner said that I could challenge it and handed me a blank sheet of paper with a VA heading. I asked the field examiner for the statement that he read to me, but he said that he had to ask his boss if he could actually provide a copy of that statement. After 2 weeks of me emailing him, I finally got the attached papers in the mail. I think the VA is taking this way out of concept, and I would greatly appreciate your support.'

''Well, in case any of my colleagues think the government would never prosecute someone like Corey for possession of a firearm, being around a firearm, I wish to read to my colleagues excerpts from the VA directive that went out to all VA regional offices on September 29, 2009, on this very issue.

''The directive is meant to inform fiduciary field examiners of their obligation if they were to witness a violation of the Brady Act. I am going to quote from this VA memorandum to the field examiners.

'' 'Field examiners or other VA employees who encounter beneficiaries believed to be in violation of the Brady Act are required to notify the fiduciary activity manager as soon as safely possible. At no time should the employee place him/herself in danger. The fiduciary activity manager at the VA regional office of jurisdiction must immediately report the alleged violation to the Bureau of Alcohol, Tobacco and Firearms,' '' and here is the number.

And that is straight out of their memorandum, Mr. Speaker.

We don't want weapons, no one in this room, and none of my colleagues on the VA Committee, Republican or Democrat, want weapons in the hands of someone that is considered dangerous. But we have American heroes that are being denied their Second Amendment right to even keep their grandfather's gun. I feel that, if you want to go and have your due process rights in front of a court of law or magistrate, that is perfectly okay. That is the way our system works. But not a VA rater. They don't get to do that. And I think, by passing this bill, we will guarantee those rights to our American heroes.

I reserve the balance of my time.

Ms. ESTY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. BROWN).

Mr. BROWN of Maryland. Mr. Speaker, I would like to thank my colleague from Connecticut for yielding me time.

Mr. Speaker, I rise today in opposition to H.R. 1181, which has very little, if anything, to do with protecting veterans' Second Amendment rights as the bill's title suggests.

I am a 30-year veteran of the United States Army. I served in Iraq. I have led soldiers in both combat support and combat service support units in the active and reserve components.

Our servicemen and -women face harsh realities in harsh environments—not just in wartime, but in peacetime as well. Military life, Mr. Speaker, is a hard life during war and in peace. It takes a toll on the body and the mind. The number of military members seeking mental and behavioral health services in the last 16 years, as well as the mental health-related incidences involving soldiers and veterans, substantiates my point.

But our soldiers are resilient, and that is no less true when we take off the uniform.

□ 1500

But for many of our veterans, it might take some extra help, some extra time, to recover from that harsh and sometimes traumatic military experience.

As a nation, we must support our veterans in recovering from that experience not only by providing the benefits they deserve, but by protecting their right to enjoy the rights that they have defended.

But, Mr. Speaker, H.R. 1181 misses the mark. When a determination is made that a veteran is mentally incompetent or incapacitated, for whatever reason, that determination is made to protect them, not to punish or deprive them. When that determination is made, we owe it to our veterans not to put a weapon in their hand, but, rather, to put the full weight of a responsive mental health system at their disposal.

We entrusted our soldiers with a weapon while in uniform, so let's treat our veterans with the same expectations and standards of safety when they take off the uniform. If the unintended consequences of the current law, as the bill's supporters claim, are too broad and disqualified too many of our veterans from responsible gun ownership, then let's work together to tackle that issue.

However, this bill goes too far and would prohibit the VA Secretary from sharing important information with law enforcement on veterans who might be a danger to themselves or to others.

Unfortunately, Mr. Speaker, H.R. 1181 misses the mark and ignores the responsibility to safeguard and take care of our veterans who have sacrificed so much to protect our Nation.

Mr. Speaker, I include in the RECORD three documents, and they are the testimony of Brigadier General Xenakis, an op-ed from General Chiarelli, as well as testimony submitted by Jeffrey Swanson.

TESTIMONY OF BRIGADIER GENERAL (RET) STEPHEN N. XENAKIS, MD

ERIK ERIKSON SCHOLAR, THE AUSTEN RIGGS CENTER

Subcommittee on Disability Assistance and Memorial Affairs, Hearing June 24, 2015

H.R. 2001—Veterans 2nd Amendment Protection Act

Thank you to the Committee for this opportunity to submit testimony regarding H.R. 2001—Veterans 2nd Amendment Protection Act. I am Dr. Stephen Xenakis, retired Brigadier General and Army Medical Corps Officer, with 28 years of active military service. I am certified by the American Board of Psychiatry and Neurology in General Psychiatry and Child and Adolescent Psychiatry, and have dedicated my professional career to providing medical and psychiatric care to our soldiers and veterans and sustaining the readiness of our fighting force. First and foremost, I am dedicated to improving and protecting their health and wellbeing, and therefore urge the committee not to pass H.R. 2001—Veterans 2nd Amendment Protection Act (H.R. 2001) in its current form.

Under the current process, if a veteran is determined to be incapable of managing his or her disbursement of funds from the Veterans Benefits Administration (VBA), the veteran is assigned a fiduciary, categorized as mentally incompetent, considered ''adjudicated mental defective,'' and therefore prohibited from purchasing or possessing firearms. In its current form, H.R. 2001 would

change the process, stating those who are deemed mentally incompetent by the Department of Veterans Affairs' (VA) would NOT be considered adjudicated mental defective ''without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others. The result being, individuals who are currently prohibited from purchasing or possessing firearms, because of a VBA fiduciary finding, would no longer be prohibited.

Though I concur that there is room for improvement in the VA interpretation of the mentally incompetent determination, H.R. 2001 is misguided in its approach. Yes, there may be individuals who have been swept into the ''adjudicated mental defective'' category because they need assistance managing their disbursement of VBA funds and for whom firearms access would not pose a risk to themselves or anyone else. However, there are also individuals in this category for whom access to a firearm would indeed be dangerous. Therefore restoring firearms in the sweeping manner to everyone declared mentally incompetent by the VA, as H.R. 2001 would do, would put our veterans, and citizens, in harm's way.

To discuss H.R. 2001 is to discuss this country's veteran suicide crisis, and to discuss suicide is to discuss access to firearms. The high suicide rate among the veteran population is devastating; a 2012 report from the VA reported an estimated 22 veterans per day commit suicide. Data shows recent veterans who were on active duty during the wars in Iraq and Afghanistan have a marked increased risk of suicide compared to the general population (41% higher suicide risk among deployed veterans; 61% higher risk among those non-deployed). Access to firearms is a significant part of the problem; a study of male veterans found that veterans were more likely than non-veterans to use firearms as a means to suicide. Research shows firearms are the most lethal means to suicide; an estimated 85% of suicide attempts using a firearm are fatal, compared to 2% by poisoning or overdose, or 1% by cutting.

The evidence is strong and paints a grim picture—suicide is a serious public health problem. According to 2013 data from the Centers for Disease Control and Prevention, suicide is the 10th leading cause of death for all age groups. Suicide is the second leading cause of death for those age 25–34, ahead of heart disease, liver disease, or HIV. Over half of the 41,149 suicides in 2013 were by firearm.

Our society can mitigate this problem however with smart policies and practices. We should take a page out of the military training manuals. The military trains us to think ''safety first'' and avoid unnecessary harm and injury. It is our standard practice among military psychiatrists to confront a potentially suicidal soldier and intervene aggressively to protect the soldier and the family. I routinely ask—''do you have weapons, where are they, what can you and your family do now to keep you and them safe?'' As such, it is absolutely crucial, that any veteran who has been deemed mentally incompetent by the VBA go through an individualized process to restore his or her firearms rights, including an assessment for risk to self and others consistent with best medical practices, to ensure that the veteran would not constitute a danger to the self or others going forward. Such a process is not outlined in H.R. 2001 and, therefore, I urge the committee not to pass the amendment in its current form.

[From The Hill, Mar. 16, 2017]

GIVE OUR VETERANS CONSIDERING SUICIDE HELP, NOT A GUN

(By Gen. Peter W. Chiarelli, retired)

As the Army's vice chief of staff, I spent much of my time working on a crisis most Americans don't even realize exists. A crisis that on average takes the lives of 20 American veterans each day: the devastating epidemic of veteran suicide.

Our brave men and women in uniform risk their lives daily to make America safer. But for many, when they return home, the battles they face are far from over. The stress of repeated deployments, failed relationships, financial challenges, depression and PTSD are among the reasons that every year roughly 7,000 veterans take their own life. Two-thirds of the time they do so by gun.

Researchers who study suicides have found that the decision to end one's life is often spontaneous, and that if accessible, guns are the most lethal and common way one commits suicide. For this reason, eliminating easy access to a gun during a mental health crisis can mean the difference between life and death.

Knowing this, I am shocked that some in Congress are currently supporting a new piece of misguided and dangerous legislation that would make it easier for veterans who are at risk of facing a mental health crisis to get their hands on a gun. Congress should be working to save lives and to guarantee that all veterans have access to world-class medical care and counseling, not making it easier for those suffering from the hidden wounds of war to end their lives.

We have to do better. And as someone who has spent years working to reform our mental health system and to reduce veteran suicides, I know we can.

Shortly after the tragedy at Virginia Tech, Congress passed, and President Bush signed, bipartisan legislation requiring the Department of Veterans Affairs to send the names of veterans who have clear and convincing evidence of mental incompetency to the National Instant Criminal Background Checks System. Any person listed within this system is ineligible to legally purchase firearms from a licensed dealer.

The legislation that Congress is currently considering would reverse this law, and would immediately remove more than 174,000 mental health records from the background check system. The records that would be removed include veterans who are prohibited from obtaining guns because they are suffering from serious mental illnesses like dementia, schizophrenia, and long-term severe posttraumatic stress.

We know that reducing veteran suicide is a complicated issue that requires comprehensive solutions. That said, providing veterans who struggle with mental illness increased access to a gun is not part of that solution.

Congress should instead focus on more supportive gun-focused legislation like making it easier for family and friends to help their loved ones in crisis. Most states currently lack laws that enable family and friends to contact law enforcement and remove firearms from individuals who pose a threat to themselves or others. Gaps like these in our laws help explain why since 1968, more Americans have died from guns in the United States than on battlefields of all the wars in our country's history.

Still, there are some who will mislabel these responsible policies as efforts to strip our veterans of their rights without due process. They could not be more wrong. In fact, there is already a law on the books that ensures any veteran on the prohibited purchaser list has a right to a hearing where they can present evidence regarding his or her mental capability. That's important. The current system works.

Last year, I joined former Congresswoman Gabrielle Giffords, her husband, Navy combat veteran and retired NASA astronaut Capt. Mark Kelly, and a long list of the nation's most prominent retired military officials to launch the Veterans Coalition for Common Sense. It is a national initiative of distinguished veterans from all branches and ranks of the military who are committed to advancing commonsense solutions to gun violence here at home. While respecting the Second Amendment rights of law-abiding Americans, our focus is to help keep guns out of the wrong hands, and saves lives.

Throughout the course of my nearly four decades of service to our nation, I saw first hand the incredible power of firearms and the dangers they pose when they end up in the hands of people who should not have them.

Every day while deployed, our brave men and women in uniform risk their lives to protect our freedom, and when they return, we should protect theirs. Congress has a duty to ensure these heroes' safety and they can do so through rational and honorable grin safety legislation. Our veterans in crisis need our help, not a gun.

TESTIMONY SUBMITTED BY JEFFREY SWANSON, PHD AND RICHARD BONNIE, LLB

Subcommittee on Disability Assistance and Memorial Affairs, Hearing, June 24, 2015, H.R. 2001—Veterans 2nd Amendment Protection Act

We thank the Committee for this opportunity to submit testimony regarding H.R. 2001: Veterans 2nd Amendment Protection Act.

The Veterans 2nd Amendment Protection Act (H.R. 2001) addresses an important concern of fairness in a policy that is intended to protect veterans but may infringe their rights without sufficient due process. The policy in question is VA's current practice of reporting to the FBI's National Instant Criminal Background Check System (NICS) the names of veterans who are assigned a fiduciary to assist the veteran in managing their benefit funds. What is controversial about this is that VA decides, in a rather opaque administrative procedure, who gets a ''fiduciary''—and thus, indirectly, who is put into NICS—without assessing whether a financially-challenged veteran is at risk of harm to self or others. This decision occurs without a hearing before either a judge or other objective, duly authorized administrative officer in which the facts of the matter could be presented and challenged.

Over the past several years, VA has reported the names of about 100,000 ''incompetent beneficiaries'' to the NICS—the database that licensed gun dealers query to determine whether people trying to buy a gun can legally do so. The proposed law, H.R. 2001, would remove these veterans' names from NICS and would uncouple the loss of gun rights from routine assignment of VA fiduciaries in the future. Would such changes be good or bad for veterans, or for the public? Our testimony offers some background information and research evidence to help legislators evaluate VA's fiduciary/gun-restriction policy and consider the possible advantages and drawbacks of rescinding it.

The Department of Veterans Affairs did not invent the idea of removing gun rights from people found incompetent to manage their money; the policy was apparently initiated to implement the 1968 federal Gun Control Act, which banned the possession of firearms by certain categories of persons assumed to be dangerous, including anyone ''adjudicated as a mental defective.'' The archaic phrase gives offense to modern ears

and lacks clinical meaning, but the Department of Justice (DOJ) has defined it specifically to include anyone who ''lacks the mental capacity to contract or manage his or her own affairs'' as determined by some lawful authority. According to current VA procedure, military veterans fall under this broad gun-disqualifying definition whenever the VA finds them to be financially incompetent and in need of a third-party ''fiduciary'' to manage VA benefit funds.

VA's assignment of fiduciaries is made through an administrative process within the Veterans Benefits Administration (VBA), and without the requirement of either a formal evaluation of decision-making capacity by a healthcare professional or a genuine opportunity for a fair hearing for adjudicating the question of financial capacity as defined in the DOJ regulations. These strong due process objections to the VA's policy are clearly the main concern underlying H.R. 2001. The argument is mainly about procedure, and we have serious doubts about whether VA's current way of assigning fiduciaries actually meets the definition of ''adjudicated as a mental defective'' under the Gun Control Act. But it is worth asking whether this procedurally flawed policy is also substantively flawed. Is there a public-safety rationale for attaching gun rights to the fiduciary standard? What do we know about the relationship between the ability to manage money and risk of harm to self or others? Is there even a connection?

Recent research on post-deployment adjustment of Iraq and Afghanistan war veterans has found a modest statistical correlation between a measure of financial decision-making capacity and self-reported suicidality and interpersonal violent behavior. In a nationally representative random sample of 1,388 separated veterans and reservists from the era of our recent wars, participants were tested on basic money management skills and also queried about violence and suicidal behavior and thoughts. Veterans who scored poorly on financial management abilities were about twice as likely to report serious acts of violence, arrest, suicidal behavior, and use of illicit drugs, compared to those with good money management skills. These differences in relative risk associated with financial incapacity were statistically significant, even though the majority of veterans with financial incapacity were not violent or suicidal. Other research, on civilians with psychiatric disabilities who were found incompetent to manage their Supplemental Security Income (SSI) benefits, founds that assignment of a family member as a ''representative payee'' was significantly associated with increased risk of violent acts by the incompetent beneficiary against family members.

Does the fiduciary gun-restriction policy, as it stands, effectively prevent firearm-related violence and suicide among veterans? The full answer to that question is unknown, but the population impact of the policy is inherently limited by the very small proportion of at-risk individuals that it affects, considering the entire veteran population of approximately 22 million. There are undoubtedly better and more efficient, effective, comprehensive, and carefully-tailored ways to keep guns out of the hands of dangerous people than reporting a relatively small number of putatively financially incompetent veteran beneficiaries to the NICS.

But what about the 100,000 veterans who are already in NICS because they were assigned a fiduciary? What are the implications, for them and their families, of automatically restoring their gun rights without any case-by-case review? Unfortunately, there is little information publically available about the population of incompetent veterans who have already been reported to the NICS. However, we do know something about the distribution of psychiatric diagnoses of veterans in NICS, which are typically the diagnoses for which the veterans are receiving VA benefits: approximately 20,000 of the group—1 in 5 of those in NICS—have a diagnosis of schizophrenia or other psychotic illness, and about half of those have a ''paranoid type'' of schizophrenia, which is typified by delusions of persecution and threat from others.

Do these mental health conditions significantly elevate the risk of violence and suicide and thereby justify legal restrictions on gun access? Sometimes, and it depends. Epidemiological studies of people with schizophrenia in the general community have found that the large majority are not violent towards others, but that the subgroup with acute symptoms of excessive and irrational threat perception—such as believing that others are ''out to get me''—are significantly more likely to be violent towards others.

Also in NICS are about 23,000 veterans diagnosed with posttraumatic stress disorder and about 15,000 (mostly older) veterans suffering from dementia with underlying causes ranging from Alzheimer's disease to traumatic brain injury research literature would suggest that both of these groups of veterans, too, carry some elevated risk of suicide or irresponsible behavior with firearms. Still, all of these diagnostic categories function as nonspecific risk factors for gun violence and suicide; there are many more people with these diagnoses who will not harm anyone than who will. That is because violence and suicide are caused by many interacting factors—mental illness being only one—and people with mental illness may carry other risk and protective factors for dangerous behavior. It is just the magnitude of the thing being prevented—death by a gun—that might justify limiting the rights of so many people who would not turn out to be violent in any case.

Civil rights advocates and gun violence prevention experts could each find fault with a policy that infringes the constitutional rights of so many while having only modest impact, at best, on gun violence and suicide. Hence, the criticism that animates H.R. 2001: that the VA's fiduciary/gun policy, without due process, precludes access to firearms by people who have not been shown to pose any particular risk of harming anyone. To make matters seem even more unfair, those ''incompetent beneficiaries'' reported by VA to the NICS have been subjected to different treatment than similarly-situated civilian counterparts. For instance, incompetent Supplemental Security Income (SSI) beneficiaries with ''representative payees'' assigned by the Social Security Administration do not similarly lose gun rights. Further, when states report ''incompetent'' individuals to NICS, it is because a state court has determined mental incompetency in a formal adjudicatory procedure—one that relies on expert clinical testimony and offers due process protections commensurate with the important rights at stake.

In the end, what would H.R. 2001 accomplish from the veteran's point of view? Mainly, it would mean that VA's appointment of a fiduciary to manage one's VA benefits would no longer be used, by itself, as a predicate for denying the veteran the right to purchase and possess a gun. This would reform the VA's arguably flawed policy going forward. However, the problem addressed by H.R. 2001 is more complicated in two ways. First, it is necessary for the VA to take appropriate steps to facilitate NICS reporting for veterans receiving mental health care in the VA system who are found by a lawful judicial or administrative authority to pose a danger to themselves or others. For example, the VHA could decide to report to NICS all involuntary commitments to VA hospitals; this would fill a gap created by the current inconsistent NICS-reporting practices of state civil courts and public mental health authorities.

Second, it is necessary to address the fate of the 100,000 veterans who are already in NICS. Some of these veterans are disqualified under other criteria because, for example, they have been involuntarily committed or convicted of a felony or domestic violence misdemeanor, with corresponding additional records in the NICS. However, should the gun rights of all of the remaining veterans in this group be automatically restored by retroactively invalidating the VA's past actions? From the limited available data, it seems likely that automatically restoring all of these individuals' gun rights will provide legal access to firearms for at least some veterans who do, in fact, pose a danger to themselves or others. Therefore, for veterans already in the NICS because of a fiduciary determination by the VA, perhaps some level of systematic review on the question of dangerousness, with due process overseen by a federal court, might provide some needed protection and peace of mind—for the veterans themselves, as well as for their families and communities.

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

I include in the RECORD two documents from the VFW and The American Legion supporting this legislation.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
March 8, 2017.

Hon. DAVID P. ROE,
Chairman, House Veterans' Affairs Committee, Washington, DC.

DEAR CHAIRMAN ROE: On behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliary, I am pleased to offer the VFW's support for H.R. 1181, the Veterans 2nd Amendment Protection Act.

It is unconscionable to require veterans to choose between the care they have earned and deserve and their constitutional rights. Your legislation would ensure veterans who suffer from mental health conditions no longer have to worry about losing their 2nd amendment rights when seeking potentially lifesaving mental health care. By elevating the threshold for inclusion in the National Instant Criminal Background Check System, this important legislation would help destigmatize mental health and protect veterans' constitutional rights.

The VFW commends your leadership on this issue and your commitment to our nation's veterans. We look forward to working with you to ensure the passage of this important legislation.

Sincerely,

CARLOS U. FUENTES,
Director,
VFW National Legislative Service.

THE AMERICAN LEGION,
Washington, DC, March 2, 2017.

Hon. PHIL ROE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ROE: On behalf of our more than 2.2 million members, The American Legion expresses support for HR 1181, the Veterans 2nd Amendment Protection Act. This measure, as currently written, would prohibit the Department of Veterans Affairs (VA) from considering any beneficiary assisted by a fiduciary as ''mentally

defective'' without a magistrate or judicial authority ruling that the beneficiary is a public danger for the purpose of reporting their names to the National Instant Criminal Background Check System (NICS), or any other database intended to identify persons who would be excluded from keeping, possessing, or purchasing firearms.

Veterans are not required to give up their weapons for the purpose of receiving VA health care for mental health conditions. However, there are concerns that the threat of being placed on a list that might deny veterans their Second Amendment rights could act as a deterrent for those who might otherwise seek treatment for their mental health conditions. The American Legion's concern is that stigmas associated with mental illnesses may force veterans to lose their Second Amendment rights.

The American Legion reaffirms its recognition that the Second Amendment of the United States Constitution guarantees each law-abiding American citizen the right to keep and bear arms and encourages our nation's lawmakers to recognize the same. The men and women who have fought to protect the Constitution deserve to live under both its laws and rights.

In conclusion, The American Legion applauds your leadership in addressing issues that are important to America's servicemembers, veterans and their families.

Sincerely,

CHARLES E. SCHMIDT,
National Commander.

Mr. ROE of Tennessee. Mr. Speaker, I, too, served in the military as a military doctor in the 2nd United States Infantry Division in Southeast Asia many years ago, so I have seen patients who were mentally ill. One of the things that has bothered me is that we are perpetuating an outdated stereotype that mentally ill people are prone to violence. Most are not, and perpetuating this stereotype that they are may result in their being isolated or not seeking treatment. This is unfortunate for people who suffer from mental illness and need support and understanding.

I think we do them a great disservice. My bill would require a court of law rather than a VA rating specialist—that is all we are saying here—to determine whether an individual actually poses a danger to themselves or others before their name gets sent to the FBI and added to the NICS list. A VA employee should not be able to add a veteran's name to a NICS list before that veteran has been afforded due process.

Let me explain how bad it really is. It is outrageous that a criminal has more rights than a veteran when it comes to being placed on the NICS list—at least they aren't added to the list until they have been convicted by a judge or a jury, Mr. Speaker. We should at least treat our American heroes that well.

Here is another point I would like to make: a veteran that has been rated—listening to the debate to show you how the VA system is not a standard for everyone. A VA veteran rated 100 percent for PTSD does not automatically get a fiduciary because they are 100 percent service-connected disabled because of their service even though the symptoms require that, for that rating, it may include suicidal or homicidal ideation.

All we are saying—and I think, hopefully, everyone would agree—is that you deserve as an American citizen—and especially an American citizen, Mr. Speaker, who has served this country whether in combat or not, who has served his country in the military—your day in court and at least be heard by a judge and jury.

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

Ms. ESTY. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. ROGERS of Kentucky). The gentlewoman has 6½ minutes remaining.

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

Mr. Speaker, I note that the chairman noted the support of some of the veteran service organizations, and I think it is noteworthy that the IAVA, the Iraq and Afghanistan Veterans of America, has in the past supported this bill. They do not support it this year. They do not because they are so concerned about the crisis we are facing, particularly in their members—those who have come back from the wars in the last 10 or 20 years. They are concerned about that veteran suicide crisis that we are facing and are concerned that this bill might make that worse.

We have heard repeatedly assertions that this would be the only category, that veterans alone would be deprived without adjudication. That is not true. In fact, the law for the firearms prohibitor covers many categories of people who do not have any legal determination:

Anyone who is an unlawful user or addicted to a controlled substance is prohibited, does not require any adjudication.

The NICS has 23,000 people who are prohibited under the controlled substance addiction and use category. Anyone adjudicated as mentally defective or committed to a mental institution, there are 4.2 million people. There are a wide variety of people who are in that category, again, many without court orders. Those were aliens, those dishonorably discharged from the Armed Forces, that is 10,000 individuals. So it is not unique to veterans. There are other categories as well.

But I really think the bottom line is this: we have heard a great deal of agreement that we care about our veterans, we want to prevent military suicides, and we know that for some of these veterans, it would be dangerous for them to have a firearm. That is precisely why this committee should have had a hearing, so we would have had the opportunity to systematically address these issues and find a better way forward that recognizes that some veterans who need a fiduciary also should not have firearms, and some who need a fiduciary, there is no concern there. But we have been deprived of that opportunity in committee, to do the work we should be doing in committee, to work together in a bipartisan way to fashion a better way forward.

This is way too far. It is an overreaction to a process that should be fixed, and we are committed to do that. But the alternative we are presented with today will wholesale uproot the 20-year process of the Veterans Administration that would be dangerous and wrong, and we remain committed to working together in committee.

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

Mr. ROE of Tennessee. How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 10 minutes remaining.

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

Mr. Speaker, this proposal is not new. It has been passed out of committee in 2010, 2011, 2013, and this year. It passed the full House, H.R. 2349, in the 112th Congress, which is included in this proposal, by a voice vote.

On February 2, the House approved H.J. Res. 40, which nullified the Social Security Administration rule that would have similarly restricted the Second Amendment rights to certain disabled people who require help managing their finances. There is no reason that veterans who have fiduciaries should be treated any differently than Social Security beneficiaries who need help managing their finances.

Next, Mr. Speaker, veterans who need fiduciaries are not necessarily mentally ill. A veteran may not be able to handle his or her finances due to conditions such as traumatic brain injury. Furthermore, The American Legion testified in 2015 about a case in which the VA declared a veteran incompetent because he told his doctor he didn't pay his bills. But, in reality, the veteran didn't pay his bills because, like a lot of us, of the division of household responsibilities. His wife paid the bills, and he got caught up in that. Then to get out of it is a chore.

I wanted to say, once again, I really feel strongly about this because we worked on the 21st Century Cures bill on removing the stigma of mentally ill people that because someone is mentally ill, they are a danger to themselves or others. Perpetuating this stereotype, I think, is dangerous. I think it keeps people from coming in and seeking the help that they need.

Also, and I have participated in this, Mr. Speaker, at home where we have used hunting trips or fishing trips to help veterans with PTSD get back on their feet and assume—instead of treating it as a disability and saying: We are going to get you well and back on your feet and be a productive member of society.

I am afraid if we stereotype this, we will prevent people from coming in for the very needed help that they so richly have earned and need.

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

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

Mr. Speaker, I note that 18 of the 26 Members of the House Veterans' Affairs Committee did not serve during a time when there has been a hearing on this bill—18 of us, and that includes me. The evidence that the chairman was referencing from 2015 was from a hearing that never occurred, so there was never an opportunity to discuss that evidence. Again, I think this underscores the extent to which we really do need a hearing.

I have to say, since 2012, when the Newtown shootings occurred in my district, the public feels differently about this now, and our veterans numbers have been going up and up. So I think it is high time for us to have a hearing. It has been 5 years. We should be looking at this process.

The last point I will note: there has been much made of the Constitution today and how outrageous it is. In 20 years since this process has been in place in the VA, I note that no one has ever challenged this successfully in court as a violation of constitutional due process, and I know the love our veterans have for the Constitution, as we do in this Chamber. That tells me that many families, for example, actually are relying on this.

So, again, I pledge to the chairman we should be working together in committee to get this process right. This is not the way to do it, not with this bill, not with the questions, and not without an opportunity for us to do the things I have referenced.

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

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

Mr. Speaker, as all of us in this incredible place that we are in, the House of Representatives in the Capitol of the U.S., our hearts go out to everyone, especially the families, of all those touched by that horrible tragedy that was just described. I am willing to work with anyone on the committee or otherwise in a reasonable way to keep firearms out of the hands of criminals and people who are dangerous. There is no question we are all willing to do that. But that case did not involve a veteran who had a fiduciary.

I am a strong supporter of the Second Amendment even if others aren't. I think we can all agree that veterans should not be denied the same due process rights that all other Americans receive. What this bill does is ensure that veterans do not lose their constitutional rights without a judicial hearing.

The freedoms granted under the Constitution of this great country should apply to all Americans, especially those who have been willing to put their lives at risk to protect those same freedoms. It is wrong for veterans and beneficiaries who use a fiduciary to lose their Second Amendment right without due process.

This commonsense bill would ensure that no veteran or beneficiary is declared mentally defective simply because a VA rater appoints someone to assist with the management of that person's financial affairs.

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

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

Mr. Speaker, we have heard spirited and passionate remarks here today, but I think it underscores how much we would benefit, the veterans that we serve would benefit, their families, and this Chamber would benefit from our pursuing regular order with this very important topic. So, again, I urge in the strongest possible terms for my colleagues to vote against this bill, to give us the opportunity to get this process right, to safeguard our veterans, protect them from military suicide, and to preserve their rights in the best possible way. This hastily considered, rushed-through legislation that leaves way too many questions and way too much risk for our veterans I must strongly oppose.

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

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

Mr. Speaker, as all of us in this room are, I am personally devastated that our Nation loses 20 of our finest citizens to suicide every day. Ending this tragedy is one of the top priorities we have on the Veteran Affairs' Committee and as a nation. We have and will continue to work with the VA to develop programs that will effectively help identify and treat veterans who may be considering ending their own lives.

But denying veterans who have fiduciaries their constitutional rights will not end veteran suicide. It is unfair to paint all veterans who may need a fiduciary with the same broad stroke and to assume that just because someone needs assistance with their financial affairs, that they may also be violent and a danger or they are contemplating suicide. That is just plain wrong.

□ 1515

It is unfortunate that the arguments advanced by some of the opponents of this bill reinforce the false impression that people who suffer from mental health challenges—and veterans, in particular—are dangerous. There is no evidence that people who suffer from mental illness are more likely to be more violent than people in the general population—just none. I am convinced that perpetuating this outdated and incorrect stereotype makes the situation worse, deterring people from seeking the very health services that they need.

It is difficult for some folks to admit they need help. I saw patients like that for years who finally broke down in my office and explained that they were depressed or whatever the situation may be. Imagine how much harder it is when people feel that they will be stigmatized or isolated because other people may fear them?

By passing this bill, Congress will send a strong message that people who suffer from mental illness are owed the same respect and have the same constitutional rights as every other American citizen.

Once again, Mr. Speaker, I encourage all of our Members to support H.R. 1181, and I yield back the balance of my time.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I stand in strong opposition to H.R. 1181, the "so-called" Veterans 2nd Amendment Protection Act.

Mr. Speaker, twenty veterans a day tragically take their own lives.

Just ONE veteran taking his or her own life is one too many.

But twenty every day is an epidemic. It is unconscionable, and unacceptable.

With two-thirds of veteran suicides being carried out with firearms, this bill practically pulls the trigger for veterans at risk.

H.R. 1181 threatens the safety of our nation's veterans and potentially others; by providing those veterans suffering from mental illness with greater ease in obtaining a firearm.

The National Instant Criminal Background Check System is a critical tool in stopping those who want to do harm to themselves or others.

If passed, this bill would dangerously alter the protocols for including a veteran in the database when he or she has been assigned a fiduciary.

In addition, over one hundred-seventy thousand mentally ill veterans would be removed from the National Instant Criminal Background Check System.

Instead of wasting time and energy on senseless budget cuts and harmful bills like H.R. 1181, this Congress should be focused on strengthening protocols so that no veteran struggling with mental illness ever falls through the cracks.

Just two months ago, a veteran, Esteban Santiago, suffering from mental illness fell through the cracks and killed five people at my home airport in Fort Lauderdale.

The current protocols failed him. We failed him and we should be doing all that we can to make the system strong for those suffering—not making the situation worse, as this bill does.

This bill does a grave disservice to those men and women who have served us valiantly.

Moreover, it is opposed by military leaders including General Stanley McChrystal and General David Petraeus, who led our troops in Iraq and Afghanistan.

It is our obligation to ensure every veteran has the physical and mental health care they both deserve and need, We owe them better than this. Instead, this bill prioritizes putting firearms in the hands of mentally ill veterans who are already at serious risk.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 198, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROE of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

VA ACCOUNTABILITY FIRST ACT OF 2017

GENERAL LEAVE

Mr. ROE of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material in the RECORD on H.R. 1259.

The SPEAKER pro tempore (Mr. BANKS of Indiana). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 198 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. 1259.

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

□ 1518

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. 1259) 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. ROGERS of Kentucky 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 Tennessee (Mr. ROE) and the gentleman from Minnesota (Mr. WALZ) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. ROE of Tennessee. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I rise today in support of my bill, H.R. 1259, the VA Accountability First Act of 2017.

Mr. Chair, you and many other Members of this body are well aware that providing true accountability at the Department of Veterans Affairs has been a goal of mine and many of my colleagues for years. The House has remained committed to this goal and has already passed several iterations of the legislation before us today, yet the challenges remain, which is why we are here once again trying in this Congress to effect real change and reform.

To bring real reform, we need to provide Secretary Shulkin with the tools he needs to swiftly and effectively discipline employees who don't meet the standards our veterans deserve or who fail in their sacred mission to provide world-class health care and benefits to the men and women who have served.

My bill would provide a singular expedited procedure for all VA employees to respond and appeal to proposed removals, demotions, and suspensions for performance or misconduct or, in the case of title 38 employees, who are healthcare providers, for a question involving direct patient care or clinical competence.

The prenotification and response process would be required to be completed within 15 business days, and the employee would be entitled to an expedited appeal to the Merit Systems Protection Board, where the first step at the administrative judge would be limited to 45 days. Additionally, either party would be able to appeal the administrative judge's decision to the full MSPB and would be provided the opportunity for limited judicial review.

H.R. 1259 would also ensure that the disciplinary procedures and avenues to appeal set up by this bill are the only avenues in place for title 5 and hybrid title 38 employees to dispute proposed removals, demotions, and suspensions for longer than 14 days. Pure title 38 employees, mainly VA's physicians and registered nurses, would retain their current internal process, but the timelines for disciplinary action and the appeals process would also be aligned to the timelines for all other VA employees as set up by this bill.

This bill would also provide improved protections for whistleblowers; would allow the Secretary to reduce an employee's Federal pension if they are convicted of a felony that influenced their job at VA; would provide the Secretary with the authority to recoup a bonus provided to an employee who engaged in misconduct or poor performance prior to receiving the bonus; and would allow the Secretary to recoup any relocation expenses that were authorized for a VA employee only through the employee's ill-gotten means, such as waste, fraud, and malfeasance.

Lastly, it would also provide the Secretary with the direct hiring authority that he desperately needs and has been asking for so that we can hire medical center directors and VISN directors in a more expedited manner and fill leadership vacancies across VA.

Mr. Chair, as I have said, I agree with all of my colleagues that the vast majority of VA employees are hardworking public servants who are dedicated to providing quality health care and benefits for veterans. But it is beyond comprehension that, with as much outright malfeasance that Congress, the American public, the media, and our courageous whistleblowers have uncovered at the VA, which has led to the increased scrutiny of the Department over the past few years, that we still see far too many instances of VA employees not living up to the standards America expects and not living up to the standards that our men and women who have served this country deserve.

Knowing many of the instances that have happened at the VA are a slap in the face to our veterans, it is unbelievable to me that anyone would oppose the bill before us here today.

The committee has discovered an instance of an employee showing up drunk to work to scrub in for a surgery on a veteran; a VA employee taking a recovering addict to a crack house and buying him drugs and a prostitute; a VA employee participating in an armed robbery; and senior managers retaliating against whistleblowers, at which point VA then has to pay hundreds of thousands of dollars to the whistleblower in restitution.

Not only are all of these acts egregious and not only are all of these instances factual, they are just the tip of the iceberg; but what causes me to stand before you today is that, in none of these instances, did the VA hold these employees accountable in any reasonable timeframe, if at all.

I blame many factors for this, but mainly I blame an antiquated civil service system and a grievance process set up by the union-negotiated collective bargaining agreements that have left VA unwilling to jump through the many hoops to do what is right.

Mr. Chair, it is well past time that we not allow the current system to continue, and it is certainly our duty to finally take action and enact meaningful changes at VA that put veterans and their families first and foremost. Everything else should come second. That includes the power of the public sector unions.

Everyone in government knows that the civil service laws that were once meant to promote the efficiency of government are now obsolete and make it almost impossible to remove a poor-performing employee. Last year, VA's then-Deputy Secretary Sloan Gibson, under President Obama, sat before the Veterans Affairs' Committee and admitted it was too difficult to fire a substandard VA employee.

The Government Accountability Office studies the government's ability to hold low-performing employees accountable and found that it took 6 months to a year, on average, and sometimes significantly longer, to fire poor-performing government employees.

I have heard the concerns that this bill will hurt the Department's ability to recruit and retain good employees. I don't buy this argument, as every VA employee I speak to tells me exactly the opposite. Good employees want to work in an environment where they know everyone can be held accountable for their actions.

I believe the current status quo of allowing bad employees to continue at

their jobs while receiving a paycheck actually hurts the moral of other employees who are doing the right thing 24 hours a day.

This is the same for employees of the Department who are veterans. I know that some have said that this would hurt veterans who are employed at a VA, since they make up a large percentage of VA employees, as it should be. As a veteran myself, and as my fellow veterans here today would agree—we don't sign up to serve, whether in uniform or civilian clothes, because we put our individual employee protections ahead of the mission—the mission always comes first, Mr. Chair; and at the VA, the mission is our veterans. Veterans want to work alongside colleagues they know are working hard for their fellow men and women they served alongside.

I also want to note that, from day one, I have worked with Secretary Shulkin and his team in the drafting of this bill that is before us today. He has endorsed this legislation not because he wants to punish employees or make it harder to recruit quality employees, but because he sees this type of change as desperately needed if he is going to truly reform the Department, as both sides of the aisle want.

Secretary Shulkin is someone who garnered the trust and respect of two Presidents of two different parties to serve our veterans, and he was confirmed by a vote in the Senate of 100–0. Mr. Chair, I hope that my colleagues would understand that his support and assistance in crafting this bill before us today is because real accountability at the Department of Veterans Affairs is a veteran issue, not a political issue.

It is time that we align ourselves with our Nation's veterans and the organizations that represent them. Fifteen veterans service organizations support the bill before us today: the American Legion, Veterans of Foreign Wars of the United States, Paralyzed Veterans of America, Iraq and Afghanistan Veterans of America, the Military Order of the Purple Heart, Concerned Veterans for America, Student Veterans for America, Reserve Officers Association, Fleet Reserve Association, Association of the United States Navy, the Enlisted Association of the National Guard of the United States, VetsFirst, AMVETS, the Military Officers Association of America, and the United States Army Warrant Officers Association. These are 15 groups that represent millions of veterans and their families.

While I am in no way trying to make this a political argument or say that my colleagues on the other side of the aisle do not care about veterans—they do—but when it comes to this particular issue, accountability at the VA, I do not believe we can avoid the facts:

The facts are, when we talk about accountability at VA during our VSO hearings with the Senate, Members get an ovation.

The facts are that veterans, not just from the headquarters in D.C., but across this country, come up and thank Members for putting veterans' rights before all else.

The facts are the only groups that have staunchly come out and opposed the reform we are trying to make in this bill are the public sector unions.

As I said, this should not be a political discussion and this should not be one side of the aisle trying to out-veteran the other side of the aisle. We don't want to do that. But when you look at the facts, it is clear what our veterans and what the American public want us to do here in this Congress.

□ 1530

We have a package that makes meaningful changes to VA's civil service system while maintaining due process rights, as we should. Today we have the opportunity to make real and lasting changes to a broken system. Today we can decide to stand with our veterans or we can stand with the status quo and the unions that perpetuate the status quo, which I believe has failed them and the American public for far too long.

I hope you all will join me and the 15 veteran organizations that support this legislation and do what is right for veterans and pass H.R. 1259. Let's put accountability first so that transformative reforms can succeed.

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

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, March 10, 2017.

Hon. DAVID P. ROE,
Chairman, Committee on Veterans' Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 1259, ''VA Accountability First Act of 2017.'' 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 February 28, 2017. 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. 1259 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, March 10, 2017.

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

DEAR CHAIRMAN CHAFFETZ: In reference to your letter on March 10, 2017 I write to confirm our mutual understanding regarding H.R. 1259, the ''VA Accountability First Act of 2017.''

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. 1259, 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. Iwill support a request from the House Committee on Oversight and Government Reform for appointment to any House-Senate conference on H.R. 1259. 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.

Sincerely,

DAVID P. ROE M.D.,
Chairman.

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

I rise in opposition to H.R. 1259. Let me be clear that I rise in opposition not after serving this Nation in uniform for 24 years; not after serving on this committee longer than anyone else on the committee; and not with serving honorably with my friend, the chairman, who—I want to be clear, first of all, where the commonality lies around this issue, about 95 percent of it, you are not going to find daylight between us.

The idea that anyone would put a special interest ahead of the care of a veteran is not only distasteful, it is wrong to assume that. There are legitimate differences on how to get accountability in the VA, and we have come to some conclusions that get us pretty close. This piece of legislation—and I do not condemn the committee because this is truly a bipartisan committee, but, for whatever reason, for the first time in the decade-plus that I have served on this committee, we have brought a bill to the floor without a hearing.

We held a markup and brought it to the floor. The majority has the right to do as they please. What that deprives us of is the ability to build consensus around issues we know we share. I know the chairman's heart is providing absolute best care to every single veteran. I also know the chairman's heart is to make sure that every employee who is doing their job is respected the way they are supposed to be. There is not disagreement on that.

This piece of legislation, and framing it as a false choice between veterans and the employees, the majority of whom are veterans, in many cases, serving other veterans, is a false choice. The chart that was put up, I belong to half those organizations. There is also an organization that is on there that differs from the others because it is a 501(c)(4) with the sole purpose of political attack ads on Members of the opposing party. Leave them off the sheet. The other ones I agree with. The others are 501(c)(3)s advocating for veterans, but for us to pretend this isn't a

proxy fight for outside groups on something bigger is disingenuous and moves us away from the place we should have gotten.

To show you the comity, my friend from Tennessee gave an impassioned, logical, and, in my opinion, correct assessment on the Veterans 2nd Amendment, H.R. 1181. I agree with the chairman on this. I believe we could have built consensus by bringing that through the committee, but it doesn't change the fact that I think the chairman eloquently got to the heart of that. I know what the heart of that was because the majority side used the term over two dozen times, ''due process.'' It matters. These are veterans working in the VA who should have due process to their Second Amendment rights and to their employment rights. It ensures that the working environment attracts and retains the best and brightest.

So let's go through a little bit of what is here. One of the things is, we talk about going back and breaking a sacred pledge. You can disagree what is in the collective bargaining that was done between the administrations, Republican and Democrat, and those employees who work there, but to go in and arbitrarily change that from Congress, how is that due process? How about in the next bargaining agreement you make the case that those things need to be there. I will stand there with you and tell you this: The public sector unions need to give more, because you know what happens if they don't? They get painted with those examples.

I hear some people say there are 350,000 employees in the VA, and they gave five examples of five bad people. You should give those examples. That is unacceptable, horrid, and should never be agreed to. This is a zero sum proposition. If one bad employee gives substandard care, Mr. Chairman, to one veteran, that is a failure, and the majority and the minority are in absolute agreement on that.

But here is what I fear. We have had legislation—and I will offer up an amendment to do this—that has bipartisan support, that has Senate support. We will see if I am right or wrong on this, but I am almost certain—and it is our responsibility in this House not to message things for those outside groups to run attack ads, it is to get things that actually get through.

I am saying today—and I will be the first to come back and tell you I was wrong on this—the process of getting legislation into law to be enacted by the agencies means compromise must be there. I think we come back here in October, this isn't done yet. Why don't we give on the 5 percent that is not agreed upon and get the 95 percent right so we can act to enact it? This is going to be the perfect getting in the way of the good, and I would argue the zeal to get it done in the way of due process.

I do not question the heart of any of my colleagues to get this right. I do not question—I hope it would not come back to me—the outrage I feel when I hear the story—and I know when the chairman tells me it, it is true—of someone showing up intoxicated trying to provide care to a veteran. How in goodness name is that person not done, not removed, and not moved forward? I will have to tell you this: I have been there on this. I am a public schoolteacher. Do you know who hates a bad public schoolteacher the most? A good public schoolteacher. What really angers me is when management doesn't do their dang job, follow the law and remove those people, and give the due process to them.

The same thing happens in the VA. Management needs to do their job. We have issued subpoenas for Phoenix, we have issued subpoenas for Philadelphia, we have issued subpoenas for St. Paul of people doing egregious things, not caring for veterans. They should come here, and they should lose their jobs. In some cases, they did. Do you know what they all did have in common? None of them were part of a collective bargaining agreement. They were the management. My fear on this is you have bad managers making bad decisions, and if someone speaks up, Mr. Chairman, who is a lower ranking member, their only protection to improve the system is by collectively bargained grievance processes to make sure their due process is heard. That is all we are asking for.

I do not deny there are going to be proxy fights on this. I will not deny that I believe the public sector unions need to be in a partnership with this. I believe we should have had them in a hearing and set those union members down there and asked them: How in God's name can you justify this? Ask them and say: What would help so that we can do this?

I have witnessed this as a public schoolteacher. Beating up on public schoolteachers all the time is not the best way to entice good people to go into public school teaching. I ask people, whether it be teachers or the veterans—go ask your veterans, how many have received quality care at the VA? How many really appreciate that floor nurse who did what he or she was supposed to do? How many are grateful that their cardiac surgeon is one of the best in the world and is choosing to make less money to serve there?

But I won't deny this. We have managers who are unaccountable. This piece of legislation does not get at the heart of it because the teeth are saved for the rank-and-file members. I agree. I think the gentleman is exactly right.

I want to read something. You tell me if this is okay. We had a VA employee who was written up and subsequently fired because they were practicing medicine without a license. That is outrageous. Outrageous that you would go there and you don't have the license, and you are practicing medicine. That person was fired. If we pass this piece of legislation, they are done and they are not coming back.

But there is a little bit different story to this. This was a Navy veteran in Arkansas, and you know what they got it for? Not picking up a scalpel and doing something that a doctor should do, not writing a prescription for an opioid and trying to steal medicine, which does happen. What they did was, they entered the wrong code on a chart, and that got them for practicing medicine without a license.

When they went through the approved negotiated grievance process, not only did they find out that this was wrong to this combat Navy veteran trying to serve other veterans who was discharged by a manager, it turns up the lack of management oversight. It was the entire system was flawed and the chart was wrong. So the grievance process not only returned the employee back to their rightful job, it fixed the system guaranteeing better care for veterans going forward.

So I don't disagree. When we try and make it, the big scary thing is, oh, we have unions that don't care about veterans, don't care about what the care is, and what we need to do is fire those people immediately. Well, you know what? Some of them do need to be fired. But if there is not a process in place—this Navy veteran caring for other veterans was released without due process—we don't find out about a broken system putting veterans' care at risk. That is what is at stake here.

My point is not to disagree. The chairman has insights into veterans that I think are second to none. The committee works together on this. Once again, when you gain the most votes, you get the majority, and I respect that. But I would also say that if we want to build consensus around this, I am going to offer up a piece of legislation that was written by a Republican Senator that has the ability to pass, be signed into law, and will get at the heart of this by going after the managers.

Mr. Chairman, it is important to me, and I know it is important to my chairman, a Vietnam veteran himself, it is important to the staff sitting behind, veterans ourselves, that we not allow what has happened in this country to get into the Committee on Veterans' Affairs, to divide us over talking points when our goals are exactly the same.

When we have legitimate differences, again, I don't think it is fair to me, as a veteran and a union member, to put something up that says you are choosing sides. I am not choosing sides. We are all in this together. What I disagree with is it is my opinion—and I wish I would have had experts testify to this, employment law people, bring the union folks in there, have us have this debate so that we can say: you know what, these changes are good, these won't make a difference.

I respectfully oppose the way this legislation is written. I respectfully totally associate myself with the chairman on why he wants to do it and why he believes that this is best. I only ask,

take a look at some of the improving amendments that can get us all to the same point, and give us the benefit of the doubt that we are not assuming the worst. And I don't—as some have said, this is an attempt to bust unions or bust the civil service system. That is the farthest thing from the chairman's mind. I know that because never, in my experience, has he done anything to disprove that veterans' care comes first, quality of care at the VA comes first, and accountability must go with that. My concern is, this doesn't get us there nor does it have a chance to become into law. With those things, let's come back at it, let's approach it a little differently, and let's find the common ground that is there.

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

Mr. ROE of Tennessee. Mr. Chair, I yield myself such time as I may consume.

With that impassioned plea, I was asked yesterday on a Facebook page who I might, from the other side of the aisle, like to ride across the country with, and it was my friend TIM WALZ who I would like to ride with. He very passionately represents veterans very well, and it has been an absolute pleasure to work on the committee with him for the last 8 years.

Mr. Chair, just a couple things. The bill subjects all career employees to this new formal removal authority, and this would include frontline employees, middle management, even Senior Executive Service employees. Just a couple more things. It provides a unified process, not a bunch of different ones, for employees to appeal major adverse actions and other actions for title 38 when it pertains to a question involving direct patient care or clinical competence.

The current grievance procedures can allow an appeal to drag on for almost 350 days, and the House is the only legislative body that has passed a true accountability bill. I know, having spoken with Secretary Shulkin yesterday, he very much wants this piece of legislation in his toolbox to help reform the VA, which is desperately needed.

Mr. Chair, I yield 3 minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS), our Conference chair.

Mrs. MCMORRIS RODGERS. Mr. Chair, I thank our chairman for his leadership on this important issue.

The way that a grateful nation shows its appreciation to those who have served is to make sure that they get the care that they need when the time comes. Every day, veterans contact my office seeking help to address their concerns and help them navigate the VA.

□ 1545

Mrs. MCMORRIS RODGERS. Mr. Chairman, the VA has one job. Its sole mission is to serve our veterans—our heroes. But it is clear that too often this agency has become disconnected from its mission. When a veteran contacts the VA, they should have the red carpet rolled out for them and treated like heroes. Instead, they feel like they are a burden.

The VA Accountability First Act is one of many needed reforms. And it is common sense, if you are involved in misconduct, you should be demoted, suspended, or fired. You shouldn't get a pay raise or a bonus. If you are a whistleblower, you should be protected. And the Secretary of the VA should have the flexibility to hold staff accountable.

I thank the chairman and the committee for their work to create a culture of accountability at the VA. With his leadership and with our partners, I am confident that we will see some positive disruption that puts our veterans first.

Mr. WALZ. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER), my good friend, the distinguished minority whip.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding.

I rise in opposition to this bill, and I adopt many of the premises that my friend, Mr. WALZ, adopted.

I also adopt the premise of Dr. ROE, who is a really dear friend of mine, that TIM WALZ is the kind of guy you wouldn't mind riding across the country with. That is because he is honest, he is knowledgeable, and he is sincere. Frankly, I attribute all of those same characteristics to Dr. ROE.

But, Mr. Chairman, I rise in opposition to this bill. Everybody on this floor agrees that our veterans deserve the best care possible. There is no debate about that. All of us in this House are focused on that goal. But this bill does nothing to meet that goal, in my view. This bill is part of—and I do not ascribe it to Dr. ROE—a significantly long history of a partisan effort to scapegoat Federal civil servants that has been going on for decades, long before Dr. ROE got in it or Mr. WALZ got in it.

It is a follow-on to the dangerous hiring freeze the Trump administration imposed in January and the repeated attempts over the last several years to extract more and more cuts from Federal employees' pay and benefits, which contributed over $150 billion in cuts in pay and benefits over the last 6 years. Stripping away the rights of VA employees to work in a nonpartisan, professional environment will not improve the care our veterans and their families deserve and expect from the VA medical system.

This bill, in my view, would undermine the collective bargaining rights—I am a very strong supporter of collective bargaining rights—of VA employees serving as doctors, nurses, physical therapists, and others in critical jobs, and disrupt the collaborative relationship between VA managers and employees that is essential to a successful workplace environment.

Many years ago—almost 100 years ago—we adopted a civil service system. The premise of that system is we ought to have professional employees—not political employees, not political appointees—not subject to change because of the political whims that may be blowing one way or the other. This bill risks demoralizing those who have tirelessly been working to help our veterans reintegrate into civilian life in communities across this country.

Let me make it clear—and I am sure Dr. ROE is not surprised when I say this—that I agree with Mr. WALZ. If there is an employee who is not performing well, that employee ought not to be kept on. But this bill removes the process that was negotiated, or could be negotiated, in a collective bargaining way. And if, by the way, it takes 300-plus days, then perhaps this legislation could deal with that to shorten it. There are ways this could be dealt with that, in my view, will not undermine the civil service protections that are important not only for the employees, but for the system itself.

I have no doubt there are measures that can be adopted to improve VA performance and effectively and fairly discipline employees who engage in misconduct. We ought not to tolerate that. But this bill does not include them. I have not read Senator ISAKSON's bill, but perhaps that is closer, and I look forward to reviewing it with both the chairman and the ranking member.

This bill goes too far, shreds basic due process rights, in my view, and punishes even model employees. And let me say as an aside, when I say it undermines basic due process rights, part of those rights are to have some time to get representation, to thoughtfully respond, to have some discovery as to what is going on here, what is being alleged, why is it being alleged, and who is alleging it. This bill eviscerates that, in some respects.

I am proud to represent 62,000 Federal employees in Maryland's Fifth District, including many who work at the VA's clinic in Charlotte Hall and in Camp Springs in the neighboring Fourth District. We ought to remember, Mr. Chairman, that when we undermine our Federal workforce and our ability to recruit and retain the best and brightest, we undermine our government's ability to serve the American people. So this is not just about present employees. It is about those who might consider employment in the future.

Mr. Chairman, I hope we don't make the mistake of, in effect, throwing the baby out with the bath water. Let's not take away the rights and protections of those who serve us so ably.

But, yes, I agree with Dr. ROE and with Ranking Member WALZ. If there are those who are not serving us well, yes, there ought to be a process; it ought to be fair, it ought to provide time in which to respond, not interminable time, so that we can have an agency of which we can be proud and does what we all want—serve our veterans in a way that we would expect,

demand, and that we are morally obligated to give.

Mr. ROE of Tennessee. Mr. Chairman, also during that live Facebook page, I mentioned another person I wouldn't mind riding across the country with, and it was Mr. HOYER, just to clarify the RECORD.

Mr. Chairman, just a couple of clarification things.

All we have done with this bill is—we haven't removed due process rights—we have just shortened the time. And to show the concern that I had, I was afraid that if we used 14 or 15 calendar days—let's say, President's Day would be on a Monday, which would be a holiday—that would take a day away. So I said let's make this first part of this 15 business days. So that is 3 weeks. And then the accelerated review can go on 45 business days, which is 9 weeks. So this is 3 months of time, not a full year. But it simply compresses that time into a 3-month timeframe that this could last. So I think that people have their due process rights protected.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS), my good friend, vice chair of our committee.

Mr. BILIRAKIS. Mr. Chairman, I have enjoyed working with my chairman, and, of course, our ranking member, on behalf of our true American heroes over the years, and we have got much more good work to do for our heroes.

Mr. Chairman, too often, the VA has failed to hold employees accountable when they do not uphold their duty to care for those who served.

The vast majority, as has been said by our chairman, are hardworking and dedicated to our Nation's heroes. But those bad actors are harmful to veterans and the VA's reputation as a whole. They must be fired. If a VA employee fails in their duty to care for veterans, they should be removed, as I said, from their post swiftly, no matter how senior their position.

It is unacceptable that it can take a year, or even longer, to remove, demote, or suspend a VA employee. The VA Accountability First Act would remove those bureaucratic roadblocks and rid the agency of its toxic culture of mediocrity.

The bill would also safeguard whistleblowers—that is necessary—from retaliation and protect employees' due process rights.

I am proud to cosponsor the VA Accountability First Act, and I strongly urge passage.

Mr. WALZ. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. TAKANO), my good friend, the vice ranking member of the full Committee on Veterans Affairs.

Mr. TAKANO. Mr. Chairman, I thank the gentleman, Sergeant Major WALZ from the State of Minnesota, for yielding me time.

I also would like to say to the chairman, we had a wonderful time traveling to Afghanistan to pay respect to our troops during Thanksgiving. I don't have to travel across the country with him, but I did travel halfway around the world with him.

Mr. Chairman, I rise in opposition to H.R. 1259.

Every Member of Congress supports accountability for employees at the Department of Veterans Affairs—everybody. Building a culture of excellence at the VA is critical to providing veterans the care and support they deserve.

However, H.R. 1259 does not further this goal, or improve outcomes at the VA. We are not going to be able to fire our way to better outcomes at the VA.

The question posed by the VA Accountability First Act is whether accountability or workers' rights are mutually exclusive. I, along with many of my colleagues, believe we can respect VA employees—a third of whom are veterans themselves—while also ensuring that poor-performing employees are held accountable.

This legislation violates workers' rights in two very specific ways:

First, it would erode due process protections by giving employees too little time—just 10 days—to prepare for a disciplinary hearing, and then just 7 days to file an appeal with the Merit Systems Protection Board.

Second, it goes much further than past accountability bills by eliminating the use of collectively bargained grievance procedures for frontline VA employees. Not only do collectively bargained procedures often lead to quicker and simpler solutions, but they also give added protection to potential whistleblowers by acting as a check against managers who may retaliate against an employee who raises an issue.

Mr. Chairman, there is no question that we have workforce challenges at the VA, but this bill does not solve them. Instead, it eschews the Senate's bipartisan accountability legislation in favor of a much more one-sided bill.

To my colleagues who voted on VA accountability legislation in the past: This is not the same bill. It goes much further. And I ask you to join me in opposing it.

This is the first time the majority has targeted collective bargaining at the VA in this way. Your vote against this bill today will show that you oppose this very tactic.

If we are serious about providing veterans the best care possible, we should focus on removing the Federal hiring freeze, advancing the appeals modernization bill, and other bipartisan efforts that will immediately improve veterans' access to high-quality care and support.

Mr. Chairman, I include in the RECORD a letter from the American Federation of State, County and Municipal Employees in opposition to this bill, a letter from the American Federation of Government Employees, as well as a letter from the American Federation of Labor and Congress of Industrial Organizations.

AFSCME,
March 15, 2017.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I'm writing to urge you to oppose H.R. 1259, which would eliminate collective bargaining rights and fundamental due process rights of employees at the Department of Veterans Affairs (VA).

The bill makes it easier to fire people for a good reason or a bad reason. By eliminating merit-based principles for workers facing a removal, demotion or suspension, the bill makes it easier for management or political appointees to scapegoat employees that advocate strongly for the veteran patients they serve. Basic civil service due process rights are necessary to block corruption, patronage, discrimination, and political pressure to cover up problems in the delivery of services to veterans.

The bill destroys the right of registered nurses and other front-line VA employees to use a union grievance procedure to efficiently and fairly address proposed adverse employment actions. This is union busting.

This bill will not help improve the care to veterans from the VA but rather make such care politicized and subject to corrupting and corrosive influences unrelated to quality. Moreover, this bill sets a dangerous precedent that could subsequently harm more than one million additional federal workers in other agencies and occupations, and the public they serve. We urge you to vote against H.R. 1259.

Sincerely,

SCOTT FREY,
Director of Federal Government Affairs.

AFGE,
March 7, 2017.

Re AFGE Opposition to H.R. 1259.

Hon. PHIL ROE,
Chairman, House Veterans' Affairs Committee, Washington, DC.

Hon. TIM WALZ,
Ranking Member, House Veterans' Affairs Committee, Washington, DC.

DEAR CHAIRMAN ROE AND RANKING MEMBER WALZ: I am writing on behalf of nearly 700,000 federal employees represented by the American Federation of Government Employees, AFL–CIO (AFGE), including 230,000 employees of the Department of Veterans Affairs (VA) to urge you to oppose H.R. 1259, a bill introduced by Representative Phil Roe (R–TN) to eliminate collective bargaining rights and significantly cut the due process rights of employees facing a proposed removal, demotion, or suspension (adverse action).

H.R. 1259 is a direct assault on the union rights of every VA employee, including more than 120,000 veterans within the VA workforce. This bill will hurt, not fix, the VA. It will reverse the significant improvements made over the past two years, and will make it harder for veterans to get the veteran-centric medical care and benefits on which they rely.

In addition to punitive, counterproductive due process attacks recycled from earlier bills, H.R. 1259 breaks new ground by union-busting. The bill destroys the right of every VA front line employee to use union grievance procedures to efficiently and fairly address proposed adverse actions. The grievance procedure is not only part of the law but also part of the contract negotiated between labor and management. The only avenue that VA front line employees will have left is a rushed management-run appeals process that does not allow good employees enough time to gather the evidence they

need to defend their jobs. For medical professionals facing proposed adverse actions related to professional conduct or competence, the reductions in the timeframe for the agency review process are more severe, even though their cases typically involve complex medical issues.

In addition, all front-line employees and managers will have weaker rights to appeal to the Merit System Protection Board (MSPB), their first chance at an independent review. They will only have seven days to appeal to the MSPB after they are fired (and off the payroll), and the bill ties the hands of the MSPB Administrative Judge (AJ) with the recycled ''one-size-fits-all'' prohibition against mitigating the penalty, regardless of the facts of the individual case.

When the employee loses at the MSPB (which happens in 80% of cases now), he would have only seven days to prepare an appeal to the United States Court of Appeals for the Federal Circuit.

How does this impact the life of a veteran working in a VA? What if a veteran working in a regional office processing claims is trying to do his job in the face of unfair allegations of poor performance by a manager who did not want to hire a veteran and did not train him properly before rushing him onto the job? It means that he only has ten days to gather all the evidence he needs to respond to a proposed removal and his manager only has five days to decide whether to go ahead and fire him. Therefore, 15 days after learning that he may be fired, he has no job and no paycheck. Then he has one week to get his appeal to the MSPB, during which he must hire an attorney if he can afford one, where the AJ cannot give him a suspension or demotion even if the judge believes that the facts dictate a less severe punishment than removal. When the MSPB upholds the decision to fire him, he has just one week to prepare his appeal to a federal appeals court (and again, hire an attorney if he can afford one), while he is without a job and without a paycheck.

Just last month, Chairman Roe stated that ''the men and women who have fought for our great nation should never have to struggle to find a job,'' but his bill attacks every option that veterans in the VA workforce have to save their jobs in the face of unjustified firings.

Chairman Roe has also expressed his intentions to reduce mismanagement at the VA, but his bill weakens the critical protections that VA employees need to speak up against mismanagement and patient harm. Every day, employees throughout the VA report concerns to management that directly impact patient safety, health care access, processing of disability claims, and many other functions essential to the agency mission.

Chairman Roe opposes the hiring freeze because he understands how critical it is for veterans who depend on the VA to have a ''robust clinical workforce.'' Yet his bill singles out VA employees, including every clinician caring for veterans, for worse treatment than other federal employees through recoupment of compensation already earned, including pensions, relocation bonuses, and performance bonuses. These provisions are unnecessary and violate due process. There are already ample safeguards in the law against retention of improper relocation and performance bonuses, and the VA has already dismantled the relocation bonus program that was the subject of abuse allegations. In addition, this bill directly contradicts private sector law that forbids the recoupment of pensions.

Thank you for considering the views of AFGE. If you need more information, please contact Marilyn Park of my staff.

Sincerely,

J. DAVID COX, Sr.,
National President.

AFL–CIO,
March 8, 2017.

Hon. PHIL ROE,
Chair, House Veterans' Affairs Committee, Washington, DC.
Hon. TIM WALZ,
Ranking Member, House Veterans' Affairs Committee, Washington, DC.

DEAR CHAIRMAN ROE AND RANKING MEMBER WALZ: On behalf of the AFL–CIO, I urge you to reject the VA Accountability First Act (H.R. 1259), introduced by Chairman David Roe. H.R. 1259 is a thinly veiled effort to destroy union rights and shift the blame for management failures at the VA onto the backs of front line employees.

The bill severely truncates the appeals process in current law and destroys grievance procedures that have been successfully used throughout the federal government to provide stability and protection against arbitrary treatment, and with it any guarantee that employees will feel safe speaking out against mismanagement or to protect patient safety.

Rather than building a culture of trust at the VA, H.R. 1259 would turn back the clock to an era when employees could be fired with the slightest justification and almost no opportunity to mount an effective defense. Worse, the bill would single out VA employees for harsher treatment than other federal workers, including the recoupment of compensation already earned without adequate due process, including pension benefits, and relocation and performance bonuses.

The Roe bill reflects the Chairman's opposition to collective bargaining and the crucial role labor organizations play in giving federal workers a voice on the job. For the 120,000 veterans who work at the VA, this bill is not only a slap in the face but a betrayal of the promise that they would be guaranteed fair treatment if they came to work for the federal government.

We urge you to reject H.R. 1259.

Sincerely,

WILLIAM SAMUEL, *Director, Government Affairs Department.*

Mr. ROE of Tennessee. Mr. Chairman, I thank my friend, Mr. TAKANO.

''If you engage in an unethical practice, if you cover up a serious problem, you should be fired. Period. It shouldn't be that difficult.'' President Barack Obama, at the Choice Act's signing in 2014.

Dr. Shulkin is not a hard-line person. He received 100 votes, Mr. Chairman, in the Senate. I don't know that anybody else in this confirmation process has come close to that, but he has had unanimous support. He has asked for this. We worked with his office. He has personally asked that this be passed. That is why we are bringing this bill down here in this form.

Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. COFFMAN), one of my great friends here in Congress, a fellow classmate. We came in together. We, too, have traveled to Afghanistan together to visit our Active Duty military in combat. He, too, is a combat veteran.

□ 1600

Mr. COFFMAN. Mr. Chair, I thank the chairman for yielding.

Today, as a veteran of both the Army and the United States Marine Corps, I rise on behalf of all those who have called, written, and stopped by my office seeking reform and accountability of the Department of Veterans Affairs.

I, along with the chairman and my colleagues on the House Committee on Veterans' Affairs, introduced H.R. 1259, the VA Accountability First Act of 2017. Today the House will vote to ensure the VA can hold its employees accountable for their actions and make sure that this agency remains committed and connected to its sole mission of serving our Nation's veterans.

Additionally, this bill would provide improved protections for whistleblowers to ensure those brave enough to tell Congress and the American people what is really happening at the VA are protected.

After the wait-time scandal in Phoenix and the over $1 billion cost overrun at the Aurora VA hospital, it is time that we reform the VA's culture of corruption and bureaucratic incompetence. This legislation will help the VA meet our Nation's obligations to the men and women who have made tremendous sacrifices on behalf of our freedom.

Mr. WALZ. Mr. Chairman, may I inquire how much time I have remaining?

The Acting CHAIR (Mr. POE of Texas). The gentleman from Minnesota has 10 minutes remaining.

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

Mr. Chair, you are hearing it here, and these are folks, we work together. This idea of accountability matters deeply to all of us. We know when you are in any business, this business—we have had colleagues of ours in here be arrested for buying cocaine from undercover police officers in Washington, D.C.

Well, that brings great discredit to every single one of us, but I certainly don't think it requires all of us, then, to go through the same thing that person is going through or deprive us our rights of where we are at. This idea of due process, and what we are asking about, is not something meant to protect a bad employee. In fact, it is just the opposite. It is meant to improve the workforce.

My plea on this is—much of this bill, there is agreement on, Mr. TAKANO was right—it went a step further. Having been a rank-and-file person in a collectively bargained unit, my goal was to provide the best quality education so our students could learn—an environment, quality teachers, and all of those things.

I am at a loss for the desire to come here and decide that, and again, we say it in passing: Well, I don't want to deride all of those really good employees who are there. I just want to take away their collectively bargained right that was there.

Even though we can give example after example, like Robert. He was a

service-connected disabled Navy veteran with over a decade of experience at the Veterans Benefits Administration. He was demoted after consistently, every single year, receiving highly satisfactory or top-rated performance reviews. Robert volunteered to be part of a quality review team to get rid of the backlog, and he had the audacity to tell his manager that there were better ways we could do this. Perhaps all of this overtime pay and consolidating all of these claims to one place was not in the best interest of that. That manager, on the way out the door, demoted and tried to remove Robert from that position.

Now, keep in mind, that same manager, all of those years before, had rated him well. Well, maybe something happened. Maybe Robert started doing something wrong. Maybe Robert wasn't that good an employee.

But again, under this piece of legislation, Robert's collectively bargained right—which he used and grieved it and got back his job, and subsequently, the manager had problems on their performance reviews, where it came from.

So again, don't set this up as if everything is wrong.

And I would make note of this: We are doing our best to attract the best and brightest to the VA. Nobody is defending the bad. But when I hear folks come to the floor and it is nothing but what a horrific place this is, I leave this for you, Mr. Chairman.

I also have the privilege of representing America's premier medical institution in the Mayo Clinic, and I look at what they do. Folks at Mayo Clinic will tell me some of the finest cardiac surgeons in the world are at the Minneapolis VA.

I will also tell you this. If you, in America, go to any hospital—Dr. ROE can attest to this—the thing that you should probably be most worried about and the thing that kills most people—over 90,000 a year—is hospital-acquired infections.

Do you know who does it better and has the lowest rate, better than Mayo Clinic, better than Johns Hopkins? The VA. So somebody among those rank-and-file members who is cleaning the operating rooms and cleaning the equipment is doing so in a manner that is better than any other.

What message are we sending them today? If a manager doesn't do their job and decides they want to fire you, we are going to lump everybody together. I just ask, once again, to my colleagues, to this body, these are things that should have been debated in a hearing. We should have brought in the experts.

Here is what I think. I think you would build a broader coalition—because I have to be very honest with you. I think our public sector unions could help us and step up and say: What was the real situation here? How do you respond to this egregious breach of trust? And what do you think would be a better way?

I am not saying they would give us a suggestion. I want to be very honest and not disingenuous. They may not answer us. We should have at least asked them: What would you do to make this better? What could speed it up, and what could protect them?

We didn't do that because we didn't have a hearing, and I think that stops building the consensus. I think it makes it harder to get this.

I will tell you this. The bill I keep referencing that was over in the Senate had 45 Senate cosponsors. Good luck getting 45 of them to agree today. It is Thursday, and we did it on an accountability plea that also had the support of every single one of those groups on there, except one, to support that piece of legislation.

So we went a step further. We didn't have a hearing. We tried to let outside groups frame this as a veterans versus public sector union folks, who were also veterans. That is not what it is. We just need to get it right.

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

Mr. ROE of Tennessee. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I think my good friend, Mr. WALZ, helps make the point that this person who was aggrieved, it doesn't have to last so long. You can actually compress this time. As I mentioned, it is not short; 3 months to get this resolved. But this process we are putting together actually helps that person that has been aggrieved by the supervisor, I would argue.

Mr. Chair, I yield 1½ minutes to the gentleman from Florida (Mr. DUNN), a new member of our committee, a veteran and physician from Florida.

Mr. DUNN. Mr. Chair, I rise in support of H.R. 1259, the VA Accountability First Act of 2017.

President Lincoln reminds us of our duty ''to care for him who shall have borne the battle,'' and, frankly, our government has done a miserable job of it.

While a large number of VA employees honorably serve our veterans, that is not always the case. In the real world, if you don't do your job, you get fired. Yet we have employees at the VA who are guilty of gross misconduct, even major felonies, and they are still on the job.

''Why is this?'' you ask. Because the process to fire them is too arduous. The VA system that lives up to our veterans' sacrifices starts with personnel. The VA Accountability First Act is a great first step in addressing poor performance and misconduct at the VA. It will allow Secretary Shulkin to make substantive changes as he works to improve veterans' care.

We need to make the VA work for our veterans instead of our bureaucrats.

Mr. WALZ. Mr. Chair, I yield myself such time as I may consume.

Again, we are not going to find a lot of disagreement.

I will tell you what a good first step would be: hire some surgeons. There are openings there. This is our first salvo at trying to fix the VA. We have an appeals bill that every single veterans service organization agrees: appeals modernization. We have worked that thing through. We have had the language. It is not here.

We have a Choice bill that is expiring August 7. We have had a hearing with the VA Secretary, and that is the way it should have been. It is not here today.

What we have is a bill that did not go through regular order, a bill that obviously didn't build a consensus, and this is very unusual to have a bill from the VA Committee. I bet you 90 to 95 percent of the time when one hits this floor, it gets 300 to 400 votes up on that board, but this one is not.

So, again, if the contention is that Members of this House don't care if there is a bad employee working there, that is disingenuous and wrong. But if we do believe, putting it in place—and again, the example I gave, the chairman is right. It took Robert 6 weeks to get all of the information gathered together because the manager who left was holding on to it and had to get the union to force the release of that information. His 14 days would have come and gone, and that is it.

This is why, sometimes, I am not going to defend 400 days. That is ridiculous. I am not going to spend—if they are dragging their feet. But this guy got fired by a manager, got demoted down, wanted to get the information. The outgoing manager said, ''It isn't my problem.'' The union had to go—and had to go, in this case, almost to court—to get the information back to them so he could present a case that said exactly what was ruled upon: You got fired illegally by a bad manager.

I am telling people, if you are angry when things go wrong at the VA, you have got 330 million Americans who are with you. We have subpoenaed them. None of them were collectively bargained. The problem is in management and middle management not doing their job.

Do your work.

You know what would be great is if the management actually did what they are supposed to do and improved bad performance before it gets to a point where it causes problems and you actually improve that employee, which saves us money from having to go out and hire someone else and you have the system working better. But to watch something go wrong, not do your due diligence, not follow the law, then fire someone and then complain that it takes too long to fix it, how about we figure out what really gets, keeps, retains, and makes the VA better?

There are other places that we could work on. Ninety percent of it, you have got my agreement. I think you are going to see that 10 percent is going to ensure this does not get into law; and that, in itself, is simply wrong because

no one disagrees. We could make this system work better.

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

Mr. ROE of Tennessee. Mr. Chair, I will just point out that I don't think the VA has a reputation of firing too many people.

Mr. Chair, I yield 1 minute to the gentleman from Florida (Mr. RUTHERFORD), a new Member, and a very active member of our committee.

Mr. RUTHERFORD. Mr. Chairman, I thank my colleague from Tennessee for this opportunity.

I rise today, Mr. Chairman, in support of H.R. 1259, the VA Accountability First Act, because our veterans deserve to receive the best care possible, and our VA personnel deserve to work alongside only the best qualified and professional caregivers.

Mr. Chairman, I am proud to serve almost 100,000 veterans in northeast Florida, and this important bill will ensure that veterans throughout the Nation get the care and respect that they have earned.

In addition, thousands of good and caring VA employees dedicate their lives to serving our veterans in some of their greatest times of need. But it is unfair—unfair—to these many hardworking VA employees when those working alongside of them engage in misconduct and they are not held accountable.

Mr. Chairman, our veterans deserve better, and our caring, hardworking VA employees deserve better. As has been stated multiple times, this bill does not eliminate employee due process. My colleagues and I in Congress carry a sacred obligation to our veterans, have a sacred obligation to our Nation to improve accountability at our VA.

Mr. WALZ. Mr. Chair, after the gentleman finishes with his speakers, I will close.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Chair, I would like to inquire as to the balance of my time.

The Acting CHAIR. The gentleman has 9 minutes remaining.

Mr. ROE of Tennessee. Mr. Chair, I yield 3 minutes to the gentleman from Utah (Mr. CHAFFETZ), the chairman of the Oversight and Government Reform Committee, a fellow classmate.

□ 1615

Mr. CHAFFETZ. Mr. Chair, I really appreciate what Chairman ROE of Tennessee is doing. He pours his heart and soul into one of the most important issues and things we can deal with here in Congress and, that is, helping our veterans.

Veterans step up and serve in our military. I stand in awe. They do the heavy lifting. They run through the fire. They engage. Then they come home, and we have got to do a better job of taking care of those people who take care of us.

The Veterans Administration, just like the rest of Federal Government, has a lot of good people who actually work there, do care, and have big hearts. With a government of more than 2 million people, every once in a while you come across some bad apples. They may be a poor performer, or they may just have their heart in a different place, and we have got to deal with these bad apples.

While you have a whole set of people who are actually trying to do the right thing, you are going to run into some people every once in a while who aren't doing the right thing, and you have to be able to dismiss them.

Now, the Oversight and Government Reform Committee has jurisdiction on the Federal civilian workforce, and we have worked closely with Chairman ROE of Tennessee to help make this possible.

Through the last couple of years that I have been chairman of the Oversight and Government Reform Committee, we have heard a number of accounts where Federal employees couldn't be disciplined fast enough. It was obvious what they had done, but they had run into roadblocks in being able to dismiss people.

We heard horror stories from the Environmental Protection Agency where there was a sexually harassed intern that lasted for 3 years. It took 5 weeks to process the harasser's removal proceedings.

We heard the Government Accountability Office come and testify before our committee that it can take 6 months to a year to remove a Federal employee for poor performance. You know what? That isn't good enough. When you have a bad apple and somebody is misusing the system and they are not performing, they are hurting our veterans. And when they are hurting our veterans, I take that personally. Everybody should take that personally. Nobody wants to see that happen.

So this bill, H.R. 1259, is a very important bill to accelerate that process. Again, let's remember that most of the people who work there are good, hardworking, patriotic people who care. But when you do have a bad apple and you do need to get rid of that person, we have to have an expedited removal proceeding.

I know this bill does a number of things, but I can tell you, having heard testimony time and time and time again in a variety of Federal agencies, especially the VA, this is a much-needed bill.

We are going to work as a committee to implement reforms like this governmentwide. To put the Veterans Administration first and deal with this first, I think, is the right priority of this Congress.

Again, hats off to Chairman ROE of Tennessee and the committee as a whole for addressing this so aggressively and so early in the 115th Congress.

I urge passage of H.R. 1259.

Mr. WALZ. Mr. Chairman, I would say that I am pleased that the gentleman from Utah (Mr. CHAFFETZ) is going to use the Oversight and Government Reform Committee to provide oversight of this administration. I welcome it. I have some suggestions for some other oversight of the administration, and I would be glad to share them.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. BANKS), a new member of our committee who is also in the Reserves serving our Nation in the military.

Mr. BANKS of Indiana. Mr. Chairman, let me first commend the gentleman from Tennessee (Mr. ROE) for his leadership on this issue and so many others on behalf of our veteran population.

As a veteran myself of the war in Afghanistan, I have a deep commitment to ensuring that my fellow veterans receive the proper care and treatment that they have earned by serving our country. That is why I am proud to be an original cosponsor of the VA Accountability First Act.

This bipartisan legislation will give Secretary Shulkin the tools that he needs to change the dysfunctional culture of the VA. It has been 3 years since the wait list at VA facilities became public, yet too many of our veterans deal with VA employees who engage in misconduct that could endanger their lives.

Too often, it takes months or even years to remove those employees. Worse still, sometimes these employees are not removed at all. Most VA employees, though, are hardworking and dedicated people, which makes it that much more unfair when the VA can't or won't hold bad employees accountable.

We can and must do better, and this bill is a first step in that process.

The Acting CHAIR. The time of the gentleman has expired.

Mr. ROE of Tennessee. Mr. Chair, I yield an additional 30 seconds to the gentleman.

Mr. BANKS of Indiana. The bill would shorten the time it takes to fire a VA employee for misconduct, give the Secretary the discretion to both revoke bonuses previously paid to employees engaging in misconduct and reduce pensions of employees found guilty of felonies while on the job, and provide improved protections for whistleblowers.

These are commonsense proposals supported by many veterans' groups. This bill is also supported by Secretary Shulkin. It is a no-brainer, and that is why I support it.

Mr. WALZ. Mr. Chairman, I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN), a good friend and long-term member of the Veterans' Affairs Committee.

Mr. LAMBORN. Mr. Chairman, I thank Chairman ROE of Tennessee for

his leadership on this legislation and also for letting me speak.

I rise today in strong support of H.R. 1259, the VA Accountability First Act. For years, my colleagues and I have fought hard to hold VA bureaucrats accountable. The VA still lacks the ability to take swift action against employees who prevent veterans from getting the benefits that they have earned.

We should be able to terminate senior executives at failing hospitals that force veterans to languish on secret wait lists. We should not award bonuses to poorly performing employees who engage in misconduct, and we shouldn't provide full retirement benefits to convicted criminals whose crime harmed veterans.

We can't stop there. We must go further to pursue bold reform at the VA. I look forward to working with Chairman ROE of Tennessee, Chairwoman MCMORRIS RODGERS, and others to pass the Caring for Our Heroes in the 21st Century Act, which would finally empower veterans, including the almost 100,000 in my congressional district in Colorado, to make their own healthcare decisions.

Let's pass H.R. 1259 today. It is a good piece of legislation.

Mr. WALZ. Mr. Chair, may I inquire how much time I have remaining?

The Acting CHAIR. The gentleman from Minnesota has 1 minute remaining.

Mr. WALZ. Mr. Chair, I am glad we got an opportunity to debate this, which is what we should do. There is no disagreement that we need to hold folks accountable. We need to get the best people at the VA. We need to commit to improving the VA the best we can.

My respect and admiration for the chairman is as it has always been, the highest it can be. I know his heart and his intellect is aimed at that. We have some legitimate differences on this. I don't believe they are so big they can't be overcome. I do believe we should try and keep this away from the partisanship that so often engulfs this House.

My commitment to Chairman ROE of Tennessee is to do the best I can to continue to try and improve upon these. We have a lot more work to do that will be happening together to improve the care of our veterans.

I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, to go along with what Sergeant Major WALZ said, it is truly a privilege to work with him on these issues. His heart is in the right place. He truly cares about veterans.

I believe this bill, though, does do what needs to be done. Secretary Shulkin—approved 100–0 in the Senate—believes that he needs this tool to be able to reform the VA. I think it is imperative that we, as legislators, provide him the tools when we say we demand accountability at the VA.

Once again, I encourage all Members to support H.R. 1259.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115–7. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1259

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''VA Accountability First Act of 2017''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.
Sec. 3. Removal, demotion, and suspension of employees based on performance or misconduct.
Sec. 4. Reduction of benefits for Department of Veterans Affairs employees convicted of certain crimes.
Sec. 5. Authority to recoup bonuses or awards paid to employees of Department of Veterans Affairs.
Sec. 6. Authority to recoup relocation expenses paid to or on behalf of employees of Department of Veterans Affairs.
Sec. 7. Time period for response to notice of adverse actions against supervisory employees who commit prohibited personnel actions.
Sec. 8. Direct hiring authority for medical center directors and VISN directors.
Sec. 9. Time periods for review of adverse actions with respect to certain employees.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. REMOVAL, DEMOTION, AND SUSPENSION OF EMPLOYEES BASED ON PERFORMANCE OR MISCONDUCT.

(a) IN GENERAL.—Subchapter I of chapter 7 is amended by adding at the end the following new section:

''§ 719. Employees: removal, demotion, or suspension based on performance or misconduct

''(a) IN GENERAL.—The Secretary may remove, demote, or suspend an individual who is an employee of the Department if the Secretary determines the performance or misconduct of the individual warrants such removal, demotion, or suspension. If the Secretary so removes, demotes, or suspends such an individual, the Secretary may—

''(1) remove the individual from the civil service (as defined in section 2101 of title 5);

''(2) demote the individual by means of a reduction in grade for which the individual is qualified, that the Secretary determines is appropriate, and that reduces the annual rate of pay of the individual; or

''(3) suspend the individual.

''(b) PAY OF CERTAIN DEMOTED INDIVIDUALS.—(1) Notwithstanding any other provision of law, any individual subject to a demotion under subsection (a)(2) shall, beginning on the date of such demotion, receive the annual rate of pay applicable to such grade.

''(2) An individual so demoted may not be placed on administrative leave during the period during which an appeal (if any) under this section is ongoing, and may only receive pay if the individual reports for duty or is approved to use accrued unused annual, sick, family medical, military, or court leave. If an individual so demoted does not report for duty or receive approval to use accrued unused leave, such individual shall not receive pay or other benefits pursuant to subsection (e)(5).

''(c) NOTICE TO CONGRESS.—(1) Not later than 30 days after removing, demoting, or suspending an individual employed in a senior executive position under subsection (a) or after removing, demoting, or suspending an individual under chapter 74 of this title, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives and to each Member of Congress representing a district in the State or territory where the facility where the individual was employed immediately before being removed, demoted, or suspended is located notice in writing of such removal, demotion, or suspension. Such notice shall include the job title of the individual, the location where the individual was employed immediately before being removed, demoted, or suspended, the proposed action, and the reason for such removal, demotion, or suspension.

''(2) Not later than 30 days after the last day of a fiscal year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report listing all removals, demotions, and suspensions under this section or under chapter 74 of this title during such fiscal year. Each such report shall include the job title of each individual removed, demoted, or suspended, the location where the individual was employed immediately before being so removed, demoted or suspended, the proposed action, and the reason for such removal, demotion, or suspension.

''(3) In this subsection, the term 'senior executive position' means, with respect to a career appointee (as that term is defined in section 3132(a)(4) of title 5), a Senior Executive Service position (as such term is defined in section 3132(a)(2) of title 5).

''(d) PROCEDURE.—(1) Subsection (b) of section 7513 of title 5 shall apply with respect to a removal, demotion, or suspension under this section, except that the period for notice and response, which includes the advance notice period required by paragraph (1) of such subsection and the response period required by paragraph (2) of such subsection, shall not exceed a total of 10 business days. Subsection (c) of such section and section 7121 of such title shall not apply with respect to such a removal, demotion, or suspension.

''(2) The Secretary shall issue a final decision with respect to a removal, demotion, or suspension under this section—

''(A) in the case of a proposed removal, demotion, or suspension to which an individual responds under paragraph (1), not later than five business days after receiving the response of the individual; or

''(B) in the case of a proposed removal, demotion, or suspension to which an individual does not respond, not later than 15 business days after the Secretary provides notice to the individual under paragraph (1).

''(3) The procedures under chapter 43 of title 5 shall not apply to a removal, demotion, or suspension under this section.

''(4)(A) Subject to subparagraph (B) and subsection (e), any removal, demotion, or suspension under subsection (a) may be appealed to the Merit Systems Protection Board, which shall refer such appeal to an administrative judge pursuant to section 7701(b)(1) of title 5.

''(B) An appeal under subparagraph (A) of a removal, demotion, or suspension may only be made if such appeal is made not later than 7 days after the date of such removal, demotion, or suspension.

''(e) EXPEDITED REVIEW.—(1) Upon receipt of an appeal under subsection (d)(4)(A), the administrative judge shall expedite any such appeal under such section and, in any such case, shall issue a final and complete decision not later than 45 business days after the date of the appeal.

''(2) Notwithstanding section 7701(c)(1)(B) of title 5, the administrative judge shall uphold the decision of the Secretary to remove, demote, or suspend an employee under subsection (a) if the decision is supported by substantial evidence. If the decision of the Secretary is supported by substantial evidence, the administrative judge shall not mitigate the penalty prescribed by the Secretary.

''(3)(A) The decision of the administrative judge under paragraph (1) may be appealed to the Merit Systems Protection Board.

''(B) An appeal under subparagraph (A) of a decision of an administrative judge may only be made if such appeal is made not later than 7 business days after the date of the decision of the administrative judge.

''(4) In any case in which the administrative judge cannot issue a decision in accordance with the 45-day requirement under paragraph (1), the Merit Systems Protection Board shall, not later than 14 business days after the expiration of the 45-day period, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report that explains the reasons why a decision was not issued in accordance with such requirement.

''(5)(A) A decision of the Merit Systems Protection Board under paragraph (3) may be appealed to the United States Court of Appeals for the Federal Circuit pursuant to section 7703 of title 5.

''(B) An appeal under subparagraph (A) of a decision of the Merit Systems Protection Board may only be made if such appeal is made not later than 7 business days after the date of the decision of the Board.

''(C) Any decision by such Court shall be in compliance with section 7462(f)(2) of this title.

''(6) The Merit Systems Protection Board may not stay any removal, demotion, under this section.

''(7) During the period beginning on the date on which an individual appeals a removal from the civil service under subsection (d) and ending on the date that the United States Court of Appeals for the Federal Circuit issues a final decision on such appeal, such individual may not receive any pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, special payments, or benefits related to the employment of the individual by the Department.

''(8) To the maximum extent practicable, the Secretary shall provide to the Merit Systems Protection Board such information and assistance as may be necessary to ensure an appeal under this subsection is expedited.

''(9) If an employee prevails on appeal under this section, the employee shall be entitled to backpay (as provided in section 5596 of title 5).

''(10) This subsection shall supercede any collective bargaining agreement to the extent that such an agreement conflicts with this subsection.

''(f) WHISTLEBLOWER PROTECTION.—(1) In the case of an individual seeking corrective action (or on behalf of whom corrective action is sought) from the Office of Special Counsel based on an alleged prohibited personnel practice described in section 2302(b) of title 5, the Secretary may not remove, demote, or suspend such individual under subsection (a) without the approval of the Special Counsel under section 1214(f) of title 5.

''(2) In the case of an individual who has filed a whistleblower complaint, as such term is defined in section 731 of this title, the Secretary may not remove, demote, or suspend such individual under subsection (a) until a final decision with respect to the whistleblower complaint has been made.

''(g) TERMINATION OF INVESTIGATIONS BY OFFICE OF SPECIAL COUNSEL.—Notwithstanding any other provision of law, the Special Counsel (established by section 1211 of title 5) may terminate an investigation of a prohibited personnel practice alleged by an employee or former employee of the Department after the Special Counsel provides to the employee or former employee a written statement of the reasons for the termination of the investigation. Such statement may not be admissible as evidence in any judicial or administrative proceeding without the consent of such employee or former employee.

''(h) VACANCIES.—In the case of an individual who is removed or demoted under subsection (a), to the maximum extent feasible, the Secretary shall fill the vacancy arising as a result of such removal or demotion.

''(i) DEFINITIONS.—In this section:

''(1) The term 'individual' means an individual occupying a position at the Department but does not include—

''(A) an individual appointed pursuant to section 7306, 7401(1), or 7405 of this title;

''(B) an individual who has not completed a probationary or trial period; or

''(C) a political appointee.

''(2) The term 'suspend' means the placing of an employee, for disciplinary reasons, in a temporary status without duties and pay for a period in excess of 14 days.

''(3) The term 'grade' has the meaning given such term in section 7511(a) of title 5.

''(4) The term 'misconduct' includes neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

''(5) The term 'political appointee' means an individual who is—

''(A) employed in a position described under sections 5312 through 5316 of title 5 (relating to the Executive Schedule);

''(B) a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5; or

''(C) employed in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.''.

(b) REPEAL OF SUPERCEDED PROVISION OF LAW.—

(1) IN GENERAL.—Section 713 of title 38, United States Code, is hereby repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 is amended by striking the item relating to section 713.

(c) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL.—The table of sections at the beginning of chapter 7 is amended by inserting after the item relating to section 717 the following new item:

''719. Employees: removal, demotion, or suspension based on performance or misconduct.''.

(2) CONFORMING.—Section 4303(f) of title 5, United States Code, is amended—

(A) by striking ''or'' at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting '', or''; and

(C) by adding at the end the following:

''(4) any removal or demotion under section 719 of title 38.''.

(d) TEMPORARY EXEMPTION FROM CERTAIN LIMITATION ON INITIATION FROM REMOVAL FROM SENIOR EXECUTIVE SERVICE.—During the 120-day period beginning on the date of enactment of this Act, an action to remove an individual from the Senior Executive Service at the Department of Veterans Affairs pursuant to this section may be initiated, notwithstanding section 3592(b) of title 5, United States Code, or any other provision of law.

SEC. 4. REDUCTION OF BENEFITS FOR DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES CONVICTED OF CERTAIN CRIMES.

(a) REDUCTION OF BENEFITS.—

(1) IN GENERAL.—Subchapter I of chapter 7 is further amended by inserting after section 719, as added by section 3, the following new section:

''§ 721. Reduction of benefits of employees convicted of certain crimes

''(a) REDUCTION OF ANNUITY FOR REMOVED EMPLOYEE.—(1) The Secretary shall order that the covered service of an employee of the Department removed from a position for performance or misconduct under section 719 or 7461 of this title or any other provision of law shall not be taken into account for purposes of calculating an annuity with respect to such individual under chapter 83 or chapter 84 of title 5, if—

''(A) the Secretary determines that the individual is convicted of a felony that influenced the individual's performance while employed in the position;

''(B) before such order is made, the individual is afforded—

''(i) notice of the proposed order; and

''(ii) an opportunity to respond to the proposed order by not later than ten business days following receipt of such notice; and

''(C) the Secretary issues the order—

''(i) in the case of a proposed order to which an individual responds under subparagraph (B)(ii), not later than five business days after receiving the response of the individual; or

''(ii) in the case of a proposed order to which an individual does not respond, not later than 15 business days after the Secretary provides notice to the individual under subparagraph (B)(i).

''(2) Upon the issuance of an order by the Secretary under paragraph (1), the individual shall have an opportunity to appeal the order to the Director of the Office of Personnel Management before the date that is seven business days after the date of such issuance.

''(3) The Director of the Office of Personnel Management shall make a final decision with respect to an appeal under paragraph (2) within 30 business days of receiving the appeal.

''(b) REDUCTION OF ANNUITY FOR RETIRED EMPLOYEE.—(1) The Secretary may order that the covered service of an individual who is removed for performance or misconduct under section 719 or 7461 of this title or any other provision of law but who leaves employment at the Department prior to the issuance of a final decision with respect to such action shall not be taken into account for purposes of calculating an annuity with respect to such individual under chapter 83 or chapter 84 of title 5, if—

''(A) the Secretary determines that the individual is convicted of a felony that influenced the individual's performance while employed in the position;

''(B) before such order is made, the individual is afforded—

''(i) notice of the proposed order; and

''(ii) opportunity to respond to the proposed order by not later than ten business days following receipt of such notice; and

''(C) the Secretary issues the order—

''(i) in the case of a proposed order to which an individual responds under subparagraph (B)(ii), not later than five business days after receiving the response of the individual; or

''(ii) in the case of a proposed order to which an individual does not respond, not later than 15 business days after the Secretary provides notice to the individual under subparagraph (B)(i).

''(2) Upon the issuance of an order by the Secretary under paragraph (1), the individual shall

have an opportunity to appeal the order to the Director of the Office of Personnel Management before the date that is seven business days after the date of such issuance.

''(3) The Director of the Office of Personnel Management shall make a final decision with respect to an appeal under paragraph (2) within 30 business days of receiving the appeal.

''(c) ADMINISTRATIVE REQUIREMENTS.—Not later than 37 business days after the Secretary issues a final order under subsection (a) or (b), the Director of the Office of Personnel Management shall recalculate the annuity of the individual.

''(d) LUMP-SUM ANNUITY CREDIT.—Any individual with respect to whom an annuity is reduced under subsection (a) or (b) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to the period of covered service.

''(e) SPOUSE OR CHILDREN EXCEPTION.—The Secretary, in consultation with the Office of Personnel Management, shall prescribe regulations that may provide for the payment to the spouse or children of any individual referred to in subsection (a) or (b) of any amounts which (but for this subsection) would otherwise have been nonpayable by reason of such subsections. Any such regulations shall be consistent with the requirements of sections 8332(o)(5) and 8411(l)(5) of title 5, as the case may be.

''(f) DEFINITIONS.—In this section:

''(1) The term 'covered service' means, with respect to an individual subject to a removal for performance or misconduct under section 719 or 7461 of this title or any other provision of law, the period of service beginning on the date that the Secretary determines under such applicable provision that the individual engaged in activity that gave rise to such action and ending on the date that the individual is removed from or leaves a position of employment at the Department prior to the issuance of a final decision with respect to such action.

''(2) The term 'lump-sum credit' has the meaning given such term in section 8331(8) or section 8401(19) of title 5, as the case may be.

''(3) The term 'service' has the meaning given such term in section 8331(12) or section 8401(26) of title 5, as the case may be.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 is amended by inserting after the item relating to section 719, as added by section 3, the following new item:

''721. Reduction of benefits of employees convicted of certain crimes.''.

(b) APPLICATION.—Section 721 of title 38, United States Code, as added by subsection (a)(1), shall apply to any action of removal of an employee of the Department of Veterans Affairs under section 719 or 7461 of this title or any other provision of law, commencing on or after the date of the enactment of this Act.

SEC. 5. AUTHORITY TO RECOUP BONUSES OR AWARDS PAID TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter I of chapter 7 is further amended by inserting after section 721, as added by section 4, the following new section:

''§ 723. Recoupment of bonuses or awards paid to employees of Department

''(a) IN GENERAL.—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 chapter 45 or 53 of such title, or this title if—

''(1) the Secretary determines that the individual engaged in misconduct or poor performance prior to payment of the award or bonus, and that such award or bonus would not have been paid, in whole or in part, had the misconduct or poor performance been known prior to payment;

''(2) before such repayment, the employee is afforded—

''(A) notice of the proposed order; and

''(B) an opportunity to respond to the proposed order by not later than ten business days after the receipt of such notice; and

''(3) the Secretary issues the order—

''(A) in the case of a proposed order to which an individual responds under paragraph (2)(B), not later than five business days after receiving the response of the individual; or

''(B) in the case of a proposed order to which an individual does not respond, not later than 15 business days after the Secretary provides notice to the individual under paragraph (2)(A).

''(b) APPEALS.—Upon the issuance of an order by the Secretary under subsection (a), the individual shall have an opportunity to appeal the order to another department or agency of the Federal Government before the date that is seven business days after the date of such issuance.

''(c) FINAL DECISIONS.—The head of the applicable department or agency of the Federal Government shall make a final decision with respect to an appeal under subsection (b) within 30 business days after receiving such appeal.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 4, is amended by inserting after the item relating to section 721, as added by section 4(a)(2), the following new item:

''723. Recoupment of bonuses or awards paid to employees of Department.''.

(c) EFFECTIVE DATE.—Section 723 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 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.

SEC. 6. AUTHORITY TO RECOUP RELOCATION EXPENSES PAID TO OR ON BEHALF OF EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter I of chapter 7 is further amended by adding at the end the following new section:

''§ 725. Recoupment of relocation expenses paid on behalf of employees of Department

''(a) IN GENERAL.—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, paid to or on behalf of the employee under title 5 for relocation expenses, including any expenses under section 5724 or 5724a of such title, or this title if—

''(1) the Secretary determines that relocation expenses were not lawfully authorized or that the employee committed an act of fraud, waste, or malfeasance that influenced the authorization of the relocation expenses;

''(2) before such repayment, the employee is afforded—

''(A) notice of the proposed order; and

''(B) an opportunity to respond to the proposed order not later than ten business days following the receipt of such notice; and

''(3) the Secretary issues the order—

''(A) in the case of a proposed order to which an individual responds under paragraph (2)(B), not later than five business days after receiving the response of the individual; or

''(B) in the case of a proposed order to which an individual does not respond, not later than 15 business days after the Secretary provides notice to the individual under paragraph (2)(A).

''(b) APPEALS.—Upon the issuance of an order by the Secretary under subsection (a), the individual shall have an opportunity to appeal the order to another department or agency of the Federal Government before the date that is seven business days after the date of such issuance.

''(c) FINAL DECISIONS.—The head of the applicable department or agency of the Federal Government shall make a final decision with respect to an appeal under subsection (b) within 30 days after receiving such appeal.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is further amended by inserting after the item relating to section 723, as added by section 5(b), the following new item:

''725. Recoupment of relocation expenses paid to or on behalf of employees of Department.''.

(c) EFFECTIVE DATE.—Section 725 of title 38, United States Code, as added by subsection (a), shall apply with respect to an amount paid by the Secretary of Veterans Affairs to or on behalf of an employee of the Department of Veterans Affairs for relocation expenses on or after the date of the enactment of this Act.

SEC. 7. TIME PERIOD FOR RESPONSE TO NOTICE OF ADVERSE ACTIONS AGAINST SUPERVISORY EMPLOYEES WHO COMMIT PROHIBITED PERSONNEL ACTIONS.

Section 733(a)(2)(B) is amended—

(1) in clause (i), by striking ''14 days'' and inserting ''10 days''; and

(2) in clause (ii), by striking ''14-day period'' and inserting ''10-day period''.

SEC. 8. DIRECT HIRING AUTHORITY FOR MEDICAL CENTER DIRECTORS AND VISN DIRECTORS.

(a) IN GENERAL.—Section 7401 is amended by adding at the end the following new paragraph:

''(4) Medical center directors and directors of Veterans Integrated Service Networks with demonstrated ability in the medical profession, in health care administration, or in health care fiscal management.''.

(b) CONFORMING AMENDMENT.—Section 7404(a)(1) is amended by inserting ''and 7401(4)'' after ''7306''.

SEC. 9. TIME PERIODS FOR REVIEW OF ADVERSE ACTIONS WITH RESPECT TO CERTAIN EMPLOYEES.

(a) PHYSICIANS, DENTISTS, PODIATRISTS, CHIROPRACTORS, OPTOMETRISTS, REGISTERED NURSES, PHYSICIAN ASSISTANTS, AND EXPANDED-FUNCTION DENTAL AUXILIARIES.—Section 7461(b)(2) is amended to read as follows:

''(2) In any case other than a case described in paragraph (1) that involves or includes a question of professional conduct or competence in which a major adverse action was not taken, such an appeal shall be made through Department grievance procedures under section 7463 of this title.''.

(b) MAJOR ADVERSE ACTIONS INVOLVING PROFESSIONAL CONDUCT OR COMPETENCE.—Section 7462 is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''At least 30'' and inserting ''Ten business''; and

(ii) in subparagraph (B)—

(I) by striking ''A reasonable time, but not less than seven days'' and inserting ''The opportunity, within the ten-day notice period''; and

(II) by striking ''orally and'';

(B) in paragraph (3)—

(i) by striking ''(A) If a proposed adverse action covered by this section is not withdrawn'' and inserting ''After considering the employee's answer, if any'';

(ii) by striking ''21 days'' and inserting ''5 business days'';

(iii) by striking ''answer. The decision shall include a statement of'' and inserting ''answer stating''; and

(iv) by striking subparagraph (B); and

(C) in paragraph (4)—

(i) by striking ''(A) The Secretary'' and all that follows through ''(B) The Secretary'' and inserting ''The Secretary''; and

(ii) by striking ''30 days'' and inserting ''7 business days'';

(2) in subsection (c)—

(A) in paragraph (3), by inserting ''the hearing must be concluded not later than 30 business days after the date on which the appeal is filed, and'' after ''If such a hearing is held,''; and

(B) in paragraph (4)—

(i) by striking ''45 days'' and inserting ''15 business days''; and

(ii) by striking ''120 days'' and inserting ''45 business days''; and

(3) in subsection (d)(1), by striking ''90 days'' and inserting ''15 business days''.

(c) OTHER ADVERSE ACTIONS.—Section 7463 is amended—

(1) by striking subsection (b) and redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(2) in subsection (b)(2), as so redesignated—

(A) in subparagraph (A), by striking ''an advance'' and inserting ''ten business days''; and

(B) in subparagraph (B)—

(i) by striking ''a reasonable time'' and inserting ''the opportunity, within the ten business day notice period,''; and

(ii) by striking ''orally and''.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of House Report 115–39. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. ROE OF TENNESSEE

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 115–39.

Mr. ROE of Tennessee. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 20, line 15, insert ''**to or**'' after ''**paid**''.

The Acting CHAIR. Pursuant to House Resolution 198, the gentleman from Tennessee (Mr. ROE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. ROE of Tennessee. Mr. Chairman, this manager's amendment would provide technical changes to the bill, while not changing the overall substance of the bill. The amendment is noncontroversial and no cost. It does not change any underlying policy in the bill.

I urge adoption of the amendment.

I reserve the balance of my time.

Mr. WALZ. Mr. Chairman, I claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. WALZ. Mr. Chairman, this amendment is just a simple technical correction. It does not change my concerns with the underlying bill on H.R. 1259, but I am not opposed to the technical corrections.

I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, I urge approval of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. ROE).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. WALZ

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 115–39.

Mr. WALZ. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 3 and insert the following new section 3:

SEC. 3. IMPROVED AUTHORITIES OF SECRETARY OF VETERANS AFFAIRS TO IMPROVE ACCOUNTABILITY OF SENIOR EXECUTIVES.

(a) ACCOUNTABILITY OF SENIOR EXECUTIVES.—

(1) IN GENERAL.—Section 713 of title 38, United States Code, is amended to read as follows:

''§ 713. Accountability of senior executives

''(a) AUTHORITY.—(1) The Secretary may, as provided in this section, reprimand or suspend, involuntarily reassign, demote, or remove a covered individual from a senior executive position at the Department if the Secretary determines that the misconduct or performance of the covered individual warrants such action.

''(2) If the Secretary so removes such an individual, the Secretary may remove the individual from the civil service (as defined in section 2101 of title 5).

''(b) RIGHTS AND PROCEDURES.—(1) A covered individual who is the subject of an action under subsection (a) is entitled to—

''(A) be represented by an attorney or other representative of the covered individual's choice;

''(B) not fewer than 10 business days advance written notice of the charges and evidence supporting the action and an opportunity to respond, in a manner prescribed by the Secretary, before a decision is made regarding the action; and

''(C) grieve the action in accordance with an internal grievance process that the Secretary, in consultation with the Assistant Secretary for Accountability and Whistleblower Protection, shall establish for purposes of this subsection.

''(2)(A) The Secretary shall ensure that the grievance process established under paragraph (1)(C) takes fewer than 21 days.

''(B) The Secretary shall ensure that, under the process established pursuant to paragraph (1)(C), grievances are reviewed only by employees of the Department.

''(3) A decision or grievance decision under paragraph (1)(C) shall be final and conclusive.

''(4) A covered individual adversely affected by a final decision under paragraph (1)(C) may obtain judicial review of the decision.

''(5) In any case in which judicial review is sought under paragraph (4), the court shall review the record and may set aside any Department action found to be—

''(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with a provision of law;

''(B) obtained without procedures required by a provision of law having been followed; or

''(C) unsupported by substantial evidence.

''(c) RELATION TO OTHER PROVISIONS OF LAW.—(1) The authority provided by subsection (a) is in addition to the authority provided by section 3592 or subchapter V of chapter 75 of title 5.

''(2) Section 3592(b)(1) of title 5 and the procedures under section 7543(b) of such title do not apply to an action under subsection (a).

''(d) DEFINITIONS.—In this section:

''(1) The term 'covered individual' means—

''(A) a career appointee (as that term is defined in section 3132(a)(4) of title 5); or

''(B) any individual who occupies an administrative or executive position and who was appointed under section 7306(a) or section 7401(1) of this title.

''(2) The term 'misconduct' includes neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

''(3) The term 'senior executive position' means—

''(A) with respect to a career appointee (as that term is defined in section 3132(a) of title 5), a Senior Executive Service position (as such term is defined in such section); and

''(B) with respect to a covered individual appointed under section 7306(a) or section 7401(1) of this title, an administrative or executive position.''.

(2) CONFORMING AMENDMENT.—Section 7461(c)(1) of such title is amended by inserting ''employees in senior executive positions (as defined in section 713(d) of this title) and'' before ''interns''.

(b) PERFORMANCE MANAGEMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall establish a performance management system for employees in senior executive positions, as defined in section 713(d) of title 38, United States Code, as amended by subsection (a), that ensures performance ratings and awards given to such employees—

(A) meaningfully differentiate extraordinary from satisfactory contributions; and

(B) substantively reflect organizational achievements over which the employee has responsibility and control.

(2) REGULATIONS.—The Secretary shall prescribe regulations to carry out paragraph (1).

Strike section 9 and insert the following new section 9:

SEC. 9. REMOVAL OF EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS BASED ON PERFORMANCE OR MISCONDUCT.

(a) IN GENERAL.—Subchapter I of chapter 7 of title 38, United States Code, is further amended by inserting after section 713 the following new section:

''§ 714. Employees: removal based on performance or misconduct

''(a) IN GENERAL.—(1) The Secretary may remove a covered individual who is an employee of the Department if the Secretary determines that—

''(A) the performance or misconduct of the covered individual warrants such removal; and

''(B) in the case of removal for performance, a portion of such performance occurred during the two-year period ending on the date of the determination.

''(2) If the Secretary removes a covered individual under paragraph (1), the Secretary may remove the covered individual from the civil service (as defined in section 2101 of title 5).

''(3) Nothing in this section may be construed to authorize a finalized performance appraisal of an employee to be retroactively amended.

''(b) NOTICE TO CONGRESS.—Not later than 30 days after removing a covered individual under subsection (a), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives notice in writing of such removal and the reason for such removal.

''(c) PROCEDURE.—(1) An employee removed under subsection (a) is entitled, before removal, to—

''(A) at least 10 business days written notice (which, in the case of removal for performance, shall identify specific instances as described in clause (i) of section 4303(b)(1)(A) of title 5 and critical elements as described in clause (ii) of such section), unless there is reasonable cause to believe that the employee committed a crime for which a sentence of imprisonment can be imposed—

''(i) stating the specific reasons for the proposed action; and

''(ii) including a file containing all evidence in support of the proposed action;

''(B) 10 business days to answer the charges orally and in writing and to furnish affidavits and other documentary evidence in support of the answer;

''(C) be represented by an attorney or other representative;

''(D) a review of the case by the Secretary before a decision adverse to the employee is made final;

''(E) as soon as practicable, a decision of the Secretary with respect to the charges of the employee; and

''(F) a written statement of the decision of the Secretary that—

''(i) includes the specific reasons of the decision; and

''(ii) in the case of a removal based on performance, complies with section 4303(b)(1)(D) of title 5.

''(2)(A) Subject to subparagraph (B) and subsection (e), any final decision of the Secretary regarding removal under subsection (a) may be appealed to the Merit Systems Protection Board.

''(B) An appeal under subparagraph (A) of a removal may only be made if such appeal is made not later than 10 business days after the date of such removal.

''(C)(i) Subject to clause (ii), the decision of the Secretary shall be sustained under subparagraph (A) only if the Secretary's decision—

''(I) in the case of an action based on performance, is supported by substantial evidence; or

''(II) in any other case, is supported by a preponderance of the evidence.

''(ii) Notwithstanding clause (i), the Secretary's decision may not be sustained under subparagraph (A) if the covered individual—

''(I) shows harmful error in the application of the Secretary's procedures in arriving at such decision;

''(II) shows that the decision was based on any prohibited personnel practice described in section 2302(b) of title 5; or

''(III) shows that the decision was not in accordance with law.

''(3) The procedures under section 7513(b) of title 5 and chapter 43 of such title shall not apply to a removal under this section.

''(d) EXPEDITED REVIEW.—(1) The Merit Systems Protection Board shall promulgate such rules as the Board considers appropriate to expedite appeals under subsection (c)(2).

''(2) The Board shall ensure that a final decision on an appeal described in paragraph (1) is issued not later than 90 days after the appeal is made.

''(3) During the period beginning on the date on which a covered individual appeals a removal from the civil service under subsection (c)(2) and ending on the date that the Board issues a final decision on such appeal, such covered individual may not receive any pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, special payments, or benefits.

''(4) To the maximum extent practicable, the Secretary shall provide to the Merit Systems Protection Board such information and assistance as may be necessary to ensure an appeal under subsection (c)(2) is expedited.

''(e) RELATION TO TITLE 5.—The authority provided by this section is in addition to the authority provided by subchapter V of chapter 75 of title 5 and chapter 43 of such title.

''(f) DEFINITIONS.—In this section:

''(1) The term 'covered individual' means an individual occupying a position at the Department but does not include—

''(A) an individual, as that term is defined in section 713(d); or

''(B) a political appointee.

''(2) The term 'misconduct' includes a violation of paragraph (8) or (9) of section 2302(b) of title 5, neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

''(3) The term 'political appointee' means an individual who is—

''(A) employed in a position described under sections 5312 through 5316 of title 5 (relating to the Executive Schedule);

''(B) a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5; or

''(C) employed in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.''.

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 713 the following new item:

''714. Employees: removal based on performance or misconduct.''.

(2) CONFORMING.—

(A) TITLE 5.—Section 4303(f) of title 5, United States Code, is amended—

(i) in paragraph (2), by striking ''or'' at the end;

(ii) in paragraph (3), by striking the period at the end and inserting '', or''; and

(iii) by adding at the end the following:

''(4) any removal under section 714 of title 38.''.

(B) TITLE 38.—Subchapter V of chapter 74 of title 38, United States Code, is amended—

(i) in section 7461(b)(1), by striking ''If the'' and inserting ''Except as provided in section 714 of this title, if the''; and

(ii) in section 7462—

(I) in subsection (a)(1), by striking ''Disciplinary'' and inserting ''Except as provided in section 714 of this title, the Disciplinary''; and

(II) in subsection (b)(1), by striking ''In any case'' and inserting ''Except as provided in section 714 of this title, in any case''.

The Acting CHAIR. Pursuant to House Resolution 198, the gentleman from Minnesota (Mr. WALZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. Mr. Chairman, I thank Chairman ROE of Tennessee and Chairman SESSIONS of the Rules Committee for making this amendment in order. I have voiced my concern with the regular order. I think it is important to note that we are given the opportunity here to offer amendments in good faith, and I am grateful for that.

This amendment to H.R. 1259 would replace sections 3 and 9 of the underlying bill with bipartisan legislation from the Veterans First Act that was first introduced by Senator ISAKSON last Congress. This is a piece of legislation I have been talking about.

It is supported from both sides of the aisle, as well as those veterans service organizations, with the exception of one, that was shown earlier.

If we hope to reach any compromise with the Senate on accountability, I believe this amendment could be made in order, be voted on, debated, and passed into it.

The amendment specifically targets senior executives. It has been the senior executives, not the frontline employees, who we have subpoenaed before our committee, and who the VA has failed to hold accountable.

Like H.R. 1259, it provides an expedited process for the VA Secretary to hold senior executives and VA employees accountable.

For a senior executive employee, the employee would get 10 business days' notice. The employee subject to an adverse action would be able to grieve the action through an internal grievance process that would take no longer than 21 days. The employee would also be permitted to appeal an adverse action to court. It would also require the VA Secretary to develop a performance management system for SES employees. Do your job. Have the management do their job.

For VA employees, the employee would be removed from misconduct or poor performance that took place within the previous 2 years before the proposed removal. The employee would get 10 business days' notice. The employee would get 10 business days to respond to the charges. The VA Secretary would be required to provide the employee a decision in a reasonable period of time, and the employee would have 10 days to appeal the decision to the Merit Systems Protection Board. This takes a little time.

The Merit Systems Protection Board would have 90 days to issue a decision. During that time, the employee would receive no pay and no benefits.

My amendment would also leave in place sections 4 through 8 of H.R. 1259 because I agree employees convicted of felonies connected to their jobs should not receive pensions, and poor-performing employees should not receive bonuses. No disagreement.

Most importantly, my amendment provides a fair process that protects whistleblowers. By allowing our frontline employees to use arbitration and grievance procedures under collective bargaining agreements, these frontline employees remain protected from bad managers who want to retaliate against them for speaking out when something is wrong.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROE of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the spirit in which this amendment is proposed by the gentleman from Minnesota (Mr. WALZ), but I must oppose it at this time.

The amendment would dramatically weaken the current accountability language for non-SES employees to the point that it would not be a meaningful improvement to or departure from current law. Just as a point of clarification, the Senate never did move the Veterans First Act.

□ 1630

The amendment includes many of the archaic and unnecessary civil service rules that currently hamper true reform and accountability at the Department. And unlike H.R. 1259, which would require the entire internal and first level of external appeals process to be completed within 67 days, the Walz amendment would allow for the process to take at least 120 days, and this period could expand indefinitely.

Additionally, the standard used in this agreement for removing or demoting employees for performance is not a meaningful departure from current law, and I fear it won't make any true changes that are desperately needed at VA.

On the collective bargaining piece, I understand the ranking member's concern, but the last thing I want to do is create a giant loophole that makes it harder to discipline bad employees. Just looking at one of VA's master contracts with employee unions, AFGE, which is the largest union at VA, one can see that the grievance procedures that he wishes to keep in place to dispute discipline can extend to almost 350 days, and this timeline can be easily extended.

With the Walz amendment, we would be creating a giant loophole where the Secretary would have one expedited process in place, while the long and administratively burdensome grievance process remains in place for nearly 285,000 employees at the Department, or 76 percent of the VA's workforce.

Clearly, covering only 24 percent of the VA workforce under an expedited authority is not what I want to do, nor do I expect veterans and taxpayers or the Secretary want to do.

Additionally, when the committee first began working on accountability issues at VA, they were told by the largest Federal Government union, AFGE general counsel, that the union would never support any legislation that changes the status quo.

Based on AFGE's strong support for language identical to the Walz amendment last Congress, I think the message is clear. If Congress adopts this language, we would not be protecting taxpayers or veterans, and we would be supporting the corrupt status quo that fails VA employees and veterans daily.

In the end, the question is very clear: Do we want to stand with veterans and taxpayers to provide the Secretary with the appropriate tools he has asked for to hold these employees accountable? Or do we want to give in to special interests groups to support the status quo?

Once again, I urge all Members to oppose the Walz amendment and support the underlying bill.

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

Mr. WALZ. Mr. Chairman, the choice is not as easy as that. Do you want to stand with Robert, the good employee who was fired by a bad manager who used the process to get their job back, or do we want to just hurry it?

It is better to get it right than get it done. And I will point out, AFGE, the union you keep hearing about, Mr. Chairman, does not endorse my amendment. They do not endorse my amendment, nor do I care about that.

What I do believe is that this amendment has the opportunity to improve upon on a bill that we 90 percent agree upon, taking out the piece that is going to make it difficult and not improve care for our veterans. And I guess the thing that I would hope matters, I believe—and we will come back here and see. We will see. That is the good part about this place. If this piece of legislation is passed by October, by Halloween, we should have this bill through and it should be done, and we should be seeing changes.

If we don't, perhaps we do this exercise again, through regular order, taking some of these suggestions that make it possible to get it done.

I encourage my colleagues to support this change that makes sure we can get accountability. Let's agree where we know we agree. It is not picking one over the other. It is deciding how you give due process, encouraging good employees to have the rights that they have earned to improve that care and workplace while at the same time removing those that don't.

Mr. Chairman, I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, I am just looking at the AFGE website, and it does have support for the Veterans First Act here on the website; so that is true.

Mr. WALZ. Will the gentleman yield?

Mr. ROE of Tennessee. I yield to the gentleman from Minnesota.

Mr. WALZ. This is not the Veterans First Act. It is pieces from the Veterans First Act, but changes.

Mr. ROE of Tennessee. Mr. Chairman, reclaiming my time.

Basically, the accountability provisions are the same. I, once again, urge all Members to oppose the Walz amendment and support the underlying bill.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. WALZ).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WALZ. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

The Chair understands that amendment No. 3 will not be offered.

AMENDMENT NO. 4 OFFERED BY MS. KUSTER OF NEW HAMPSHIRE

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 115–39.

Ms. KUSTER of New Hampshire. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 20, insert ''or section 733(c) of this title'' after ''title 5''.

The Acting CHAIR. Pursuant to House Resolution 198, the gentlewoman from New Hampshire (Ms. KUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

Ms. KUSTER of New Hampshire. Mr. Chairman, today I speak on behalf of my amendment, Kuster amendment No. 4. I firmly believe that my amendment will improve accountability at the Veterans Administration.

One of my concerns with the bill before us is that it will inadvertently hurt whistleblowers through retaliation and other discriminatory practices. Whistleblowers are vital for our mission to ensure accountability at the VA.

As the ranking member of the Oversight and Investigations Subcommittee, I know that whistleblowers provide the VA and our committee with information of misconduct before it goes too far or before those responsible can deflect blame or otherwise hide incriminating details. We must ensure that these folks are protected in any bill that seeks to streamline the VA's ability to release employees.

I appreciate the inclusion of whistleblower protections within section 3 of the bill. We understand the importance of protecting whistleblowers, and my amendment would improve upon this language.

Last year's MILCON-VA appropriations bill included what is now section 733 of title 38. This title clarifies and further specifies prohibited personnel actions as they relate to VA whistleblowers. For example, section 733 explicitly prohibits the denial of an otherwise meritorious promotion because that employee filed a whistleblower complaint. The bill currently only references more generic protections found within title 5.

Section 733 was added because of concerns that title 5 was not specific enough to the issues that face the VA. This amendment will ensure that an employee is protected if they help the GAO or the VA Office of Inspector General in any investigations.

This language is bipartisan in nature, and my amendment is supported by the Project on Government Oversight, an independent nonprofit that seeks to improve accountability.

My amendment aligns with the spirit of this bill. It protects those who virtuously serve our Nation's veterans, and punishes those who do wrong by them. I urge my colleagues to vote ''yes'' on my amendment, Kuster No. 4, because it is common sense and the right thing to do.

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

Mr. ROE of Tennessee. Mr. Chairman, I ask unanimous consent to rise in opposition, although I am not opposed.

The Acting CHAIR. Is there objection to the request of the gentleman?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROE of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment would allow a whistleblower who is alleging prohibited personnel practices, as defined in title 38, from being disciplined under the bill until the whistleblower complaint is resolved.

The committee has always favored strengthening protections for whistleblowers. My bill already protects whistleblowers, but I am not opposed to Ms. KUSTER's amendment and suggested changes, and I appreciate her offering it. The bill has my full support.

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

Ms. KUSTER of New Hampshire. Mr. Chairman, I have learned one thing in 4 years: quit while I am ahead.

Mr. Chairman, I have nothing further to add, and I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New Hampshire (Ms. KUSTER).

The amendment was agreed to.

The Acting CHAIR. The Chair understands that amendment No. 5 will not be offered.

AMENDMENT NO. 6 OFFERED BY MR. TAYLOR

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 115–39.

Mr. TAYLOR. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, after line 19, insert the following:

''(i) SEMI-ANNUAL REPORT ON TRANSFERRED EMPLOYEES.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives semi-annual reports on senior executive employees who are transferred within the Department. Each such report shall include, for each such senior executive employee transferred during the period covered by the report, the reason for the transfer and any costs associated with the transfer.''.

Page 9, line 20, strike ''(i)'' and insert ''(j)''.

The Acting CHAIR. Pursuant to House Resolution 198, the gentleman from Virginia (Mr. TAYLOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. TAYLOR. Mr. Chairman, I rise to offer my amendment to the VA Accountability First Act. This amendment would require the Secretary of Veterans Affairs to submit a semi-annual report to Congress on the reasons and costs of the transfer of any senior executive employees within the Department.

Mr. Chairman, in my district and the surrounding area, we have the fastest-growing veterans' population in the Nation, specifically, with women veterans, Operation Enduring Freedom veterans, and Operation Iraqi Freedom veterans. I am honored to serve in the district that has the largest population of Active Duty and veterans in the country.

Our own VA center, where I personally receive care, was previously rated as a one-star facility, the lowest rating available; this, by the VA's own rating system. Now, I am pleased to say the center has made strides and progress in many areas. However, the director in charge during the time of poor performance was simply moved to another facility to be a director there. We have to do better. We will do better. The VA Accountability First Act of 2017 is a wonderful and great start.

This amendment will contribute to more transparency, accountability, and oversight. We must continually and consistently hold the VA accountable for underperformance. Our veterans are sacred and deserve the same commitment to high standards they upheld as servicemembers.

We should never defend mediocrity at the VA; rather, strive for better service, care, and excellence.

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

Mr. WALZ. Mr. Chairman, I claim time in opposition, although I am not opposed to the amendment and, in fact, I am enthusiastically supportive of the amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. WALZ. Mr. Chairman, I thank the gentleman for bringing this forward. This amendment addresses an issue that we dealt with in our committee last Congress, where senior executives are transferred to different positions around the country, receive pay increases and relocation incentives.

We subpoenaed two senior executives. In fact, the first subpoenas ever issued out of the VA Committee, I asked for them to get there; and they were backed by Mr. ROE, backed by our chairman and ranking member. And to refresh people's minds, these were folks that took positions of lesser power, used their positions to negotiate to get there, and then, in some cases, took $129,000 moving expenses.

You cannot find anyone more outraged than me. And I will tell you, because it was not done correctly, and we didn't focus on this, I still work with some of those very same people. They have their jobs back.

Now, the debate that the gentleman may have heard earlier is we don't disagree at all that we should get rid of these people. This amendment will focus on the right things, that is what we have been making the case of.

So I applaud the gentleman. I am glad he is here. His military service is greatly appreciated. The statistics he gave on veterans shows that he will be there. I support this amendment, and I certainly believe that my colleagues should all support it.

It is this type of work that improves upon a bill, as I say, once again, 90 percent of what is in this bill is in absolute agreement. This just makes the bill better.

Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. ROE).

□ 1645

Mr. ROE of Tennessee. Mr. Chairman, I want to thank Mr. TAYLOR for his service to our country and to our Nation. I am appreciative of him and his staff for working with us on the amendment. The amendment has, as chair, my full support.

Mr. TAYLOR. Mr. Chairman, I just want to state I thank the gentleman, and I thank the gentleman on the other side, as well, for his support. I think this is the right thing to do for transparency and for accountability for our veterans in the VA.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. TAYLOR).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. TENNEY

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 115–39.

Ms. TENNEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following new section:

SEC. 10. ANNUAL REPORT ON PERFORMANCE AWARDS AND BONUSES AWARDED TO CERTAIN HIGH-LEVEL EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is further amended by inserting after section 723, as added by section 5, the following new section:

''§ 724. Annual report on performance awards and bonuses awarded to certain high-level employees

''(a) IN GENERAL.—Not later than 30 days after the end of each fiscal year, the Secretary shall submit to the appropriate committees of Congress a report that contains,

for the most recent fiscal year ending before the submittal of the report, a description of the performance awards and bonuses awarded to Regional Office Directors of the Department, Directors of Medical Centers of the Department, Directors of Veterans Integrated Service Networks, and any other individual employed in a senior executive position.

''(b) ELEMENTS.—Each report submitted under subsection (a) shall include the following with respect to each performance award or bonus awarded to an individual described in such subsection:

''(1) The amount of each award or bonus.

''(2) The job title of the individual awarded the award or bonus.

''(3) The location where the individual awarded the award or bonus works.

''(c) DEFINITIONS.—In this section:

''(1) The term 'appropriate committees of Congress' means—

''(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

''(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

''(2) The term 'individual' means—

''(A) a career appointee (as that term is defined in section 3132(a)(4) of title 5); or

''(B) any individual who occupies an administrative or executive position and who was appointed under section 7306(a) or section 7401(1) of this title.

''(3) The term 'senior executive position' means—

''(A) with respect to a career appointee (as that term is defined in section 3132(a)(4) of title 5), a Senior Executive Service position (as such term is defined in section 3132(a)(2) of title 5); and

''(B) with respect to an individual appointed under section 7306(a) or section 7401(1) of this title, an administrative or executive position.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 723, as added by section 5, the following new item:

''724. Annual report on performance awards and bonuses awarded to certain high-level employees.''.

The Acting CHAIR. Pursuant to House Resolution 198, the gentlewoman from New York (Ms. TENNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

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

Mr. Chairman, I rise today in support of my amendment to H.R. 1259, which would require the VA to submit a report to Congress at the end of each fiscal year listing the bonuses that were awarded to senior-level executives.

In 2015, VA employees received more than $177 million in bonuses, which was 24 percent more than they received in 2014. The average bonus for a senior executive was $10,000.

I have no doubt that the men and women of the VA serve our veterans admirably each day. In my own district, I have spoken with veterans who are grateful for the compassionate care that they receive from local VA clinics throughout upstate New York. VA employees should be fairly compensated for their work and awarded for their achievement.

It is also clear to me that there is more work to be done. Just this month, an audit of several VA facilities in North Carolina and Virginia revealed that wait times continue to be misrepresented and that nearly 14,000 veterans were denied access to timely care. The audit also found that veterans were waiting an average of 26 days to see mental health specialists, while the VA falsely reported average wait times of 6 days. In light of this information, the American people are right to wonder who at the VA may be receiving a bonus this year.

My amendment adds a simple reporting requirement to the bill that will streamline oversight of bonuses at the VA by requiring the agency to proactively provide information to Congress that details the amount of each bonus awarded to senior executives as well as the job titles of the individuals and the location of their employment. Given the patterns of mismanagement at the VA, the American people deserve to know how bonuses are being awarded at the agency. This bill increases transparency over the bonus process without placing any undue burdens on the agency.

I would encourage my colleagues to support it, and I thank the committee for the opportunity to offer this amendment.

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

Mr. WALZ. Mr. Chairman, I rise in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. WALZ. Mr. Chairman, once again, I am not only not opposed, I am enthusiastically supportive of the gentlewoman's commonsense, absolutely important piece of legislation. It improves upon the bill. I am glad we had a rule that brought it here, something we have worked on in our committee. I will make note of this.

The gentlewoman is absolutely right. The people we just talked about in the last amendment received bonuses also, but the bulk of this bill also deals with kitchen staff, janitorial staff, and rank-and-file members on the floor that we are working to go after their agreed-upon grievance process to keep their jobs. So this amendment is absolutely something that will get total approval from certainly, I believe, all Members of the House. This should be in the bill and will be in the bill.

This is how bills get better, address real issues, and take on the issue of accountability in a bipartisan manner. Mr. Chairman, I would encourage all my colleagues to support the gentlewoman. We have more work, as the gentlewoman said in this, but this is how it is done to get it right.

Mr. Chairman, I yield back the balance of my time.

Ms. TENNEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. ROE), who is the chairman.

Mr. ROE of Tennessee. Mr. Chairman, this would require the Secretary to report to Congress each year any performance awards or bonuses provided to Senior Executive Service employees at the VA. This is an excellent amendment from the gentlewoman from New York and will provide additional needed transparency at the Department where taxpayer money is being spent, especially when being spent on bonuses for the most senior individuals at VA. This amendment has my full support.

Ms. TENNEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. TENNEY).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. KUSTER OF NEW HAMPSHIRE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part A of House Report 115–39.

Ms. KUSTER of New Hampshire. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

SEC. 10. ACCOUNTABILITY OF SUPERVISORS AT DEPARTMENT OF VETERANS AFFAIRS FOR ADDRESSING PERFORMANCE OF EMPLOYEES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that, as a part of the annual performance plan of a supervisor in the Department, the supervisor is evaluated on the following:

(1) Taking action to address poor performance and misconduct among the employees that report to the supervisor.

(2) Taking steps to improve or sustain high levels of employee engagement.

(3) Promoting a positive culture of service that—

(A) reflects the mission of the Department and the values of integrity, commitment, advocacy, respect, and excellence; and

(B) emphasizes the greatest degree of performance and conduct.

(b) SUPERVISOR DEFINED.—In this section, the term ''supervisor'' has the meaning given such term in section 7103(a) of title 5, United States Code.

SEC. 11. IMPROVEMENT OF TRAINING FOR SUPERVISORS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall provide to each employee of the Department of Veterans Affairs who is employed as a supervisor periodic training on the following:

(1) The rights of whistleblowers and how to address a report by an employee of a hostile work environment, reprisal, or harassment.

(2) How to effectively motivate, manage, and reward the employees who report to the supervisor.

(3) How to effectively manage employees who are performing at an unacceptable level and access assistance from the human resources office of the Department and the Office of the General Counsel of the Department with respect to those employees.

(b) DEFINITIONS.—In this section:

(1) SUPERVISOR.—The term ''supervisor'' has the meaning given such term in section 7103(a) of title 5, United States Code.

(2) WHISTLEBLOWER.—The term ''whistleblower'' has the meaning given such term in section 323(g) of title 38, United States Code, as added by section 101.

The Acting CHAIR. Pursuant to House Resolution 198, the gentlewoman from New Hampshire (Ms. KUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

Ms. KUSTER of New Hampshire. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to speak on my second amendment to H.R. 1259, Kuster amendment No. 8. I am concerned that an unintended consequence of the bill before us would be retaliation against whistleblowers at the VA.

After my 4 years on the House Veterans' Affairs Committee and my time as ranking member of its Oversight and Investigations Subcommittee, I know that whistleblower protections are a bipartisan issue for our committee, and I know that this Congress recognizes the incredible importance of whistleblowers at the VA.

Whistleblowers provided many details that made Congress and the public aware of the Phoenix scandal. They provided valuable information in uncovering the Aurora construction debacle. Whistleblowers save lives and save taxpayer money. Unfortunately, whistleblowers are sometimes targeted for retaliation by their supervisors. My amendment seeks to address this.

My amendment requires supervisors to detail their efforts to correct poor performance and misconduct, efforts that come before the procedures outlined by this bill. It requires supervisors to detail the efforts they have made to improve their work environment and ensure that employees of their team uphold the primary mission of the VA: to serve and to honor our Nation's veterans.

The amendment will also improve training of supervisors to ensure they are equipped to be leaders that improve employee performance and the quality of care at the VA. More importantly, this enhanced training will include instruction on the rights of whistleblowers and how to address concerns or complaints raised by them.

These provisions could help to protect those whistleblowers who are actually experiencing retaliation because it would provide evidence of the past actions a supervisor has taken to address alleged misconduct, and it will highlight leadership shortfalls that could implicate attempted actions taken against an employee.

Together, these provisions will proactively improve the culture of management at the VA so it reflects the virtue and quality that Congress has strived to achieve for so many years. I urge all of my colleagues to vote in favor of my amendment, Kuster No. 8.

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

Mr. ROE of Tennessee. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed.

The Acting CHAIR. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROE of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Ms. KUSTER's amendment would require VA supervisors to develop performance plans for employees which would, as a part of the plan, measure steps taken to address poor performance but also improve training for VA supervisors—an excellent suggestion.

I agree that all VA employees, especially our managers, should be held to high standards and should have as much training provided them as is available. Ms. KUSTER's amendment has my full support.

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

Ms. KUSTER of New Hampshire. Mr. Chairman, I have no further comment other than to thank Dr. ROE for his support.

Mr. Chairman, I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, this is an excellent amendment, and I urge support.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New Hampshire (Ms. KUSTER).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. TAKANO

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part A of House Report 115–39.

Mr. TAKANO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike sections 1 through 9 and insert the following:

SECTION 1. SUSPENSION AND REMOVAL OF DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES FOR PERFORMANCE OR MISCONDUCT THAT IS A THREAT TO PUBLIC HEALTH OR SAFETY.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding after section 713 the following new section:

''§ 715. Employees: suspension and removal for performance or misconduct that is a threat to public health or safety

''(a) SUSPENSION AND REMOVAL.—Subject to subsections (b) and (c), the Secretary may—

''(1) suspend without pay an employee of the Department of Veterans Affairs if the Secretary determines the performance or misconduct of the employee is a threat to public health or safety, including the health and safety of veterans; and

''(2) remove an employee suspended under paragraph (1) when, after such investigation and review as the Secretary considers necessary, the Secretary determines that removal is necessary in the interests of public health or safety.

''(b) PROCEDURE.—An employee suspended under subsection (a)(1) is entitled, after suspension and before removal, to—

''(1) within 30 days after suspension, a written statement of the specific charges against the employee, which may be amended within 30 days thereafter;

''(2) an opportunity within 30 days thereafter, plus an additional 30 days if the charges are amended, to answer the charges and submit affidavits;

''(3) a hearing, at the request of the employee, by a Department authority duly constituted for this purpose;

''(4) a review of the case by the Secretary, before a decision adverse to the employee is made final; and

''(5) written statement of the decision of the Secretary.

''(c) RELATION TO OTHER DISCIPLINARY RULES.—The authority provided under this section shall be in addition to the authority provided under section 713 and title 5 with respect to disciplinary actions for performance or misconduct.

''(d) BACK PAY FOR WHISTLEBLOWERS.—If any employee of the Department of Veterans Affairs is subject to a suspension or removal under this section and such suspension or removal is determined by an appropriate authority under applicable law, rule, regulation, or collective bargaining agreement to be a prohibited personnel practice described under section 2302(b)(8) or (9) of title 5, such employee shall receive back pay equal to the total amount of basic pay that such employee would have received during the period that the suspension and removal (as the case may be) was in effect, less any amounts earned by the employee through other employment during that period.

''(e) DEFINITIONS.—In this section, the term 'employee' means any individual occupying a position within the Department of Veterans Affairs under a permanent or indefinite appointment and who is not serving a probationary or trial period.''.

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 713 the following new item:

''715. Employees: suspension and removal for performance or misconduct that is a threat to public health or safety.''.

(2) CONFORMING.—Section 4303(f) of title 5, United States Code, is amended—

(A) by striking ''or'' at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting '', or''; and

(C) by adding at the end the following:

''(4) any suspension or removal under section 715 of title 38.''.

(c) REPORT ON SUSPENSIONS AND REMOVALS.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on suspensions and removals of employees of the Department made under section 715 of title 38, United States Code, as added by subsection (a). Such report shall include, with respect to the period covered by the report, the following:

(1) The number of employees who were suspended under such section.

(2) The number of employees who were removed under such section.

(3) A description of the threats to public health or safety that caused such suspensions and removals.

(4) The number of such suspensions or removals, or proposed suspensions or removals, that were of employees who filed a complaint regarding—

(A) an alleged prohibited personnel practice committed by an officer or employee of the Department and described in section 2302(b)(8) or 2302(b)(9)(A)(i), (B), (C), or (D) of title 5, United States Code; or

(B) the safety of a patient at a medical facility of the Department.

(5) Of the number of suspensions and removals listed under paragraph (4), the number that the Inspector General considers to be retaliation for whistleblowing.

(6) The number of such suspensions or removals that were of an employee who was the subject of a complaint made to the Department regarding the health or safety of a patient at a medical facility of the Department.

(7) Any recommendations by the Inspector General, based on the information described in paragraphs (1) through (6), to improve the authority to make such suspensions and removals.

The Acting CHAIR. Pursuant to House Resolution 198, the gentleman from California (Mr. TAKANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, my amendment in the nature of a substitute would strike the text of H.R. 1259 and insert a new provision allowing the Secretary to suspend, without pay, any VA employee whose performance or misconduct threatens public health or safety, including the health and safety of veterans. It would give the Secretary the authority to remove a suspended employee after an investigation and review if the Secretary determines removal is in the interests of public health and safety.

Both parties share the desire to protect veterans from mistreatment or harm, especially when they are seeking medical care at a VA facility, but the language in my amendment would be more likely to achieve the majority's stated outcome of removing VA employees whose misconduct harms veterans.

We have voted on similar accountability bills before, but I want to point out that this bill goes much further in the wrong direction. While in the past we have had disagreements on procedure and the amount of time an employee is given to file an appeal, for the very first time, this version of the accountability bill is attempting to undermine VA employees' collective bargaining rights.

Buried in this bill is a new provision that would take away the rights of frontline VA employees to use collectively bargained agreements for settling grievances. This has not been a part of past negotiations, and the vote that Members take on the underlying bill should not be based solely on their votes on previous accountability bills.

Collectively bargained grievance settlement procedures often lead to quicker and simpler solutions, and they give added protection to potential whistleblowers. When these basic protections are undermined, we give too much power to managers whose goal may be to retaliate against someone who called out a mistake.

The bill, as it is currently being offered, does not provide enough time for an employee to get their case together to file an appeal. It undermines collective bargaining agreements negotiated in good faith between management and employees. It doesn't do enough to protect whistleblowers.

My amendment addresses our shared goal to create accountability at the VA. It would ensure that the Secretary has the authority to immediately suspend any VA employee whose behavior threatens the health and safety of veterans, and that the suspended employee does not accrue pay while the investigation is being carried out.

I hope that Members will join me and vote in favor of my amendment.

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

Mr. ROE of Tennessee. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROE of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment.

I appreciate Mr. TAKANO's—who is a very hardworking member of the committee—attempt to insert what he thinks is an appropriate balance of due process and accountability, but the substitute language misses the bar of what we are trying to accomplish.

It would strike the entire bill and insert new language only allowing the Secretary to remove someone if they present a threat to health or safety. This is a nearly unobtainable, if not an immeasurable, bar to reach. This undefined standard makes it almost impossible for the Secretary to remove any employee. It would create a confusing process that only allows someone to be removed after they are suspended first and the Secretary conducts an investigation into the individual.

It would allow for employees to be on indefinite suspension for months, if not years, awaiting the Secretary's final decision, which is not fair to veterans and the employee or good-performing employees and taxpayers. The employee deserves a quick opportunity to present their case, and, if exonerated, get back to doing their job.

Unlike my bill, this would only provide backpay to someone if their removal is overturned on appeal if they are a whistleblower. My bill would require any individual whose disciplinary action is overturned on appeal to receive any backpay for that period.

□ 1700

This amendment does nothing to provide the Secretary with the authority to recoup bonuses or relocation expenses from individuals who receive taxpayer-funded money through ill-gotten means such as fraud, waste, or abuse, nor does it allow the Secretary to recoup a portion of a Federal pension of someone convicted of a felony that influenced their VA job.

It would ensure that the current ineffective civil service rules would continue to hamper any change to the corrosive and unaccountable culture at the VA, and would also, more than likely, not apply to some of the employees associated with the VA's egregious scandals, including the bloated Denver, Colorado, construction project; data management at the Philadelphia regional office; FY 2015 $2.5 billion shortfall cost overruns at the Orlando VA Medical Center; allegations of inappropriate use of government purchase cards to the tune of $6 billion; and many others.

These are the types of employees that our constituents and veterans expect to be held accountable, but this amendment would not cover.

In the end, the facts are clear: our veterans and the American taxpayer support the reform in H.R. 1259, and not the status quo, which is supported by public sector unions.

I encourage all Members to oppose the Takano amendment and support the underlying bill.

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

Mr. TAKANO. Mr. Chair, I continue to oppose the underlying bill and support my amendment.

I would assert that my amendment would apply to many of the employees in the scandals who were cited by our esteemed chairman.

I want to remind the body that several Republican speakers this afternoon repeated a phrase that the vast majority of employees at the VA are doing a good job. My amendment really does address those few employees who really do pose a threat to veterans' safety or health.

I would also say that I want to remind also the chairman and inform the body that we heard testimony from the bipartisan Commission on Care established through the Choice Act. They were charged with the responsibility of reviewing VA health care.

One of the co-chairs was appointed by a Republican—I believe the Senate majority leader—and the other by the White House. They both reported back that we cannot create excellence at the VA through enhancing the firing process.

They were astounded that more effort and resources have not been invested in the personnel function of the VA to better train our managers in progressive discipline and to do the kind of documentation that really will bring about effective accountability.

By the way, both of these co-chairs led, and do still, large, private sector healthcare organizations. They pushed back on a suggestion that we needed to enhance our dismissal process, our accountability process.

I do agree with the chairman and the ranking member that we have an opportunity to work together as Democrats and Republicans. We are not far apart on the bipartisan agreement that came out of the Senate.

Mr. Chairman, I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Chair, I agree with my friend on the other side of the aisle that you cannot fire your way to excellence, nor can you grieve your way to excellence. You have to perform your way to excellence.

I certainly appreciate his passion for the committee and the hard work that he has done on numerous bills, but, in this particular case, I will urge all Members to oppose the Takano amendment and support the underlying bill in which the Secretary has asked for the authority.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. TAKANO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TAKANO. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 115–39 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. WALZ of Minnesota.

Amendment No. 9 by Mr. TAKANO of California.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. WALZ

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. WALZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 223, not voting 12, as follows:

[Roll No. 165]

AYES—194

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McKinley
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Smith (NJ)
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth
Young (AK)

NOES—223

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Collins (GA)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Joyce (OH)
Kelly (MS)
King (IA)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (IA)
Zeldin

NOT VOTING—12

Beyer
Collins (NY)
Davis, Danny
Deutch
Jordan
Kelly (PA)
King (NY)
Marino
Payne
Rush
Slaughter
Smith (MO)

□ 1729

Messrs. GROTHMAN, MITCHELL, COSTELLO of Pennsylvania, WILSON of South Carolina, ZELDIN, McHENRY, Ms. GRANGER, and Mr. DENT changed their vote from ''aye'' to ''no.''

Messrs. KILDEE and GUTIÉRREZ changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. TAKANO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. TAKANO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 232, not voting 14, as follows:

[Roll No. 166]

AYES—183

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano

Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Davis (CA)
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
Pallone
Panetta
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—232

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Joyce (OH)
Katko
Kelly (MS)
King (IA)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
O'Rourke
Olson
Palazzo
Palmer
Paulsen
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Velázquez
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—14

Beyer
Black
Collins (NY)
Cummings
Davis, Danny
Deutch
Jordan
Kelly (PA)
King (NY)
Marino
Payne
Pearce
Rush
Slaughter

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1733

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OLSON) having assumed the chair, Mr. POE of Texas, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1259) 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, and, pursuant to House Resolution 198, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT

Mr. KIHUEN. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore (Mr. POE of Texas). Is the gentleman opposed to the bill?

Mr. KIHUEN. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kihuen moves to recommit the bill H.R. 1259 to the Committee on Veterans' Affairs with instructions to report the same back to the House forthwith, with the following amendments:

Page 8, line 19, insert ''or an individual who makes a whistleblower disclosure to the central whistleblower office, including anonymous whistleblower disclosures made through a toll-free telephone number or Internet website'' after ''Special Counsel''.

Add at the end the following new section:

SEC. 10. TREATMENT OF VETERANS, MEMBERS OF UNIFORMED SERVICES, AND WHISTLEBLOWERS.

The amendments made by sections 3 and 9 of this Act shall not apply to any individual who is—

(1) preference eligible under section 2108(3) of title 5, United States Code;

(2) a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service (as such term is defined in section 4303(16) of title 38, United States Code); or

(3) seeking corrective action (or on behalf of whom corrective action is sought) from the Office of Special Counsel based on an alleged prohibited personnel practice described in section 2302(b) of title 5, United States Code.

Mr. ROE of Tennessee (during the reading). Mr. Speaker, I ask unanimous consent to suspend with the reading.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Nevada is recognized for 5 minutes.

Mr. KIHUEN. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

Mr. Speaker, as a nation, we have the moral responsibility for providing for the men and women who have served our country. One of my highest priorities in Congress is ensuring that our veterans receive the care and benefit they have earned.

It has been almost 3 years since a whistleblower shocked the Nation by disclosing 1,400 veterans languish without care at the Phoenix VA. Since then, many others have come forward to report excessive wait times, substandard care, and dirty facilities in VA hospitals all across the country.

The issues we have seen at different VA hospitals have been completely disgraceful. However, what is even more shocking is that many of these whistleblowers have reported some sort of retaliation from hospital directors or the VA's Office of Inspector General, even though Federal law specifically prohibits harassment or retaliation of Federal employees who bring wrongdoing to light.

The recent reports about VA employees facing retaliation is disheartening and it is unacceptable. We need to protect these employees who are trying to ensure that the VA is transparent and accountable to all of our veterans.

Mr. Speaker, my amendment is very simple and commonsense. It merely builds upon existing language in the bill seeking to protect whistleblowers.

Under the bill, a whistleblower can still be fired during the expedited procedure with limited recourse. This amendment would close that loophole.

This amendment would also cover those who come forward to a central whistleblower office instead of just a special counsel.

And, as my colleagues have noted numerous times on the floor today, one-third of our VA employees are veterans. This amendment also works to protect them from unjust firings without due process.

We should never tolerate fraud, waste, or abuse on our Federal agencies. This is especially true when it comes to caring for our Nation's veterans. The brave men and women who have put their lives on the line should be provided with the best quality of care, and it is imperative that the whistleblowers who have stood up to protect our veterans should be fully protected from retaliation.

We should provide whistleblowers with the confidence to step up and help make a change. Helping improve our veterans' health care is dependent in part on the encouragement and protection of whistleblowers within the VA.

Mr. Speaker, in closing, I say this. No one in this body wants to vote on a bill that may give potential whistleblowers doubt about coming forward. Let's give them the assurance they deserve by voting for this motion to recommit, which will strengthen the whistleblower protection language in the underlying bill.

Mr. Speaker, I urge support for my amendment, and I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. ROE of Tennessee. Mr. Speaker: "If you engage in an unethical practice, if you cover up a serious problem, you should be fired. Period. It shouldn't be that difficult"—Barack Obama at the Veterans Choice Act signing in August of 2014. That is who said that.

Yesterday, I had breakfast with the Secretary of the VA. We know that accountability and the VA needs reform. The first thing he said to me when he was there was he needs this accountability act to better manage the VA.

What does this bill do, in a nutshell, very quickly? It simply shortens the process instead of taking as much as a year or longer to terminate someone. And we have had people in egregious things they have done. The Phoenix VA issue was mentioned. It took 2 years to get rid of anybody out there.

The Secretary says he needs these authorities. It maintains the due process rights of the employees, which is important. It simply shortens the length of time for as much as a year for some people. The VA said it would take 6 months to a year to fire a government employee—or longer.

It also has accentuated whistleblower protections, allows the Secretary to recoup bonuses from people who have gotten them illegally.

It allows the Secretary to hire people. We have many VA facilities out there that do not have CEOs at this time.

Mr. Speaker, I would recommend that we oppose the MTR, and I would strongly encourage my colleagues from both sides of the aisle, in a bipartisan way, to support the underlying bill.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KIHUEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and passage of H.R. 1181.

The vote was taken by electronic device, and there were—ayes 189, noes 229, not voting 11, as follows:

[Roll No. 167]

AYES—189

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Bishop (GA)
Blum
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—229

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Joyce (OH)
Katko
Kelly (MS)
King (IA)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey

Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—11

Beyer
Collins (NY)
Davis, Danny
Deutch
Jordan
Kelly (PA)
King (NY)
Marino
Payne
Rush
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1751

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TAKANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 178, not voting 14, as follows:

[Roll No. 168]

AYES—237

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Castro (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Comer
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Cuellar
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gabbard
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Joyce (OH)
Katko
Kelly (MS)
King (IA)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (FL)
Murphy (PA)
Newhouse
Noem
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peters
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (IA)
Zeldin

NOES—178

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Bishop (GA)
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Courtney
Crist
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gallego
Garamendi
Gonzalez (TX)
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Nadler
Napolitano
Neal
Nolan
Norcross
Pallone
Panetta
Pascrell
Pelosi
Perlmutter
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Smith (NJ)
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth
Young (AK)

NOT VOTING—14

Beyer
Bishop (UT)
Blumenauer
Capuano
Collins (NY)
Davis, Danny
Deutch
Jordan
Kelly (PA)
King (NY)
Marino
Payne
Rush
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1758

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS 2ND AMENDMENT PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on passage of the bill (H.R. 1181) to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes, 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 passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 240, nays 175, not voting 14, as follows:

[Roll No. 169]

YEAS—240

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Comer
Comstock
Conaway
Cook
Correa
Costello (PA)
Cramer
Crawford
Cuellar
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gabbard
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Gonzalez (TX)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Gene
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam

Jones
Joyce (OH)
Katko
Kelly (MS)
Kind
King (IA)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Paulsen
Pearce
Perry
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—175

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Costa
Courtney
Crist
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Dingell
Doggett
Donovan
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gallego
Garamendi
Gottheimer
Green, Al
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Krishnamoorthi
Kuster (NH)
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Velázquez
Visclosky
Wasserman Schultz
Waters, Maxine
Watson Coleman
Wilson (FL)
Yarmuth

NOT VOTING—14

Beyer
Collins (NY)
Conyers
Davis, Danny
Deutch
Jordan
Kelly (PA)
King (NY)
Marino
Palmer
Payne
Rush
Slaughter
Welch

□ 1805

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

IMPROVING AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO HIRE AND RETAIN PHYSICIANS AND OTHER EMPLOYEES

GENERAL LEAVE

Mr. WENSTRUP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to insert any extraneous material into the RECORD on H.R. 1367.

The SPEAKER pro tempore (Mr. YODER). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 198 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. 1367.

The Chair appoints the gentleman from North Carolina (Mr. BUDD) to preside over the Committee of the Whole.

□ 1811

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. 1367) to improve the authority of the Secretary of Veterans Affairs to hire and retain physicians and other employees of the Department of Veterans Affairs, and for other purposes, with Mr. BUDD 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 Ohio (Mr. WENSTRUP) and the gentleman from Minnesota (Mr. WALZ) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

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

Mr. Chairman, I rise today in support of my bill, H.R. 1367, to improve the authority of the Department of Veterans Affairs to recruit and retain employees.

VA's mission of honoring and serving our Nation's veterans is second to none in the Federal Government, and a high-quality, high-performing workforce is key to VA's ability to successfully execute on that mission.

H.R. 1367 contains a number of provisions that would strengthen VA's ability to identify staffing shortages, recruit employees to fill vacant positions, quickly onboard new hires, and retain high-performing workers across the country. It also contains provisions that would improve leadership and accountability throughout VA and increase the number of veterans in the Federal workforce.

To assist VA in identifying and addressing local staffing deficiencies, this bill would modify the annual determination of staffing shortages to include five clinical occupations and five nonclinical occupations for each VA medical center. Staffing needs can vary significantly from facility to facility, even within the same State, and create a variety of delays, backlogs, and other challenges for veterans.

This provision would allow VA to use this existing reporting tool, which dates back to the 2014 Choice Act, to target a total of 10 occupations at each VA medical center and use VA's existing direct hire authority to expeditiously address shortages for those occupations.

To increase leadership development opportunities for emerging leaders and encourage the dissemination of best practices between and among VA and private sector, the bill would establish an executive management program to allow eligible VA and private sector employees the opportunity to take 1-year fellowship positions in either comparable private sector entities or VA, respectively. This idea was brought to us by a veteran participating in the joint Veterans of Foreign Wars-Student Veterans of America legislative fellowship program and would mirror a successful fellowship model used by the White House and the State Department.

To increase accountability for senior VA decisionmakers, the bill would require annual performance plans for VA political appointees, similar to the annual performance plans that are required for Senior Executive Service employees.

□ 1815

Like SES employees, political appointees perform at the very highest levels and play critical roles in setting and achieving high profile policies and priorities. It is only appropriate that they too be held accountable for their performance.

To incentivize the hiring of veterans across the Federal Government, the bill would change the service requirement for reservists and guardsmen to be eligible for veterans' preference from 180 days of consecutive Active-Duty service to 180 days of cumulative Active-Duty service, and expand those considered preference eligible to include all retired servicemembers.

Veterans gain a variety of skills during their time in uniform and are often

uniquely suited to Federal employment. In recognition of this, some form of veterans' preference has been in place since the Civil War. By modernizing this important benefit today, we can bring needed skill sets to the Federal workforce and promote employment opportunities for veterans, a win-win if there ever was one.

To encourage former VA employees who left VA service to gain relevant education or experience and then return to the VA, the bill would allow the VA to noncompetitively reappoint a former employee to a position not more than 1 grade higher than their former position.

I believe we must do everything possible to encourage former employees to come back and work at the VA and reward them for furthering themselves and using their new skills to benefit veterans.

In order to be eligible for reappointment under this authority, the former employee must have voluntarily, within the prior 2 years, maintained a satisfactory performance record while at the VA, and retained any necessary licensures or credentials.

To assist the VA in identifying and prioritizing vacancies, the bill would require the VA to establish a recruiting database listing each vacant position that the VA determines is critical to the VA's mission, is difficult to fill, or both.

Also, the bill would authorize and encourage the VA to track qualified applicants for vacant positions and use the recruiting database and the qualified applicant pool to quickly fill vacancies that have gone unfilled for a prolonged time.

To ensure the VA human resources professionals have a thorough understanding of the VA's unique hiring authorities, the bill would require Veterans Health Administration HR employees to receive regular, ongoing training.

The VA healthcare system benefits from direct hiring authorities for clinical personnel under title 38, United States Code. However, these hiring authorities are unique to the VA and can be complex and difficult for HR employees to understand and work with, which increases the likelihood that those authorities go underused and HR professionals experience burnout.

This provision would support those professionals in their important work while ensuring that veterans benefit as much as possible from the special hiring authorities that Congress has granted the VA in statute.

To encourage highly skilled employees wishing to advance in their career at the VA without taking on a management role, this bill would require the VA to establish a promotional track for technical experts that does not require transition to a managerial position. This is a commonsense provision that would increase the VA's ability to retain employees in highly technical positions who want to remain at the VA and continue moving forward in their careers, but are either uninterested in or ill-suited to becoming a manager.

To increase the understanding of the VA's succession planning efforts, the bill would require the Government Accountability Office to conduct a study on succession planning at each VA medical facility, as well as within the Veterans Benefits Administration and the National Cemetery Administration.

Earlier this week, the VA confirmed that 80 percent of current Veterans Integrated Service Network directors and 25 percent of current VA Medical Center directors are eligible to retire. Last year, the VA testified that it can take more than 6 months and multiple reannouncements to fill these important positions in both rural and major metropolitan areas.

Effective succession planning is critical to ensuring stable leadership and to identifying and developing emerging leaders who are ready, willing, and able to step up when existing directors or other managers retire or depart. I look forward to reviewing the results of GAO's work to see what further improvements can be made in this area.

To improve recruitment and retention of younger employees, the bill would require the VA to allow for excepted service appointments leading to conversion to career or career-conditional employment for students and recent graduates.

VA's existing workforce is aging and, as I mentioned just a moment ago, increasingly retirement-eligible. Unfortunately, the VA has historically performed poorly in comparison to other Federal agencies when it comes to hiring younger employees, which could put the VA's future at risk. I am hopeful that this provision will increase the VA's ability to build a pipeline of young talent.

Finally, to increase the VA's understanding of why departing employees choose to leave the VA and, in turn, how the VA could improve in order to retain other employees, this bill would require the VA to develop and deploy a standardized, anonymous exit survey process. The VA has an existing survey process but it is underutilized, with just 30 percent of all clinical employees completing it prior to their departure over the last 5 years, according to a GAO report issued last year.

Factors that contribute to employees voluntarily leaving VA service cannot be addressed unless they are identified, and this provision would help us do that.

In conclusion, Mr. Chairman, the future of the VA, our Nation's second largest bureaucracy, depends on the VA's ability to effectively and efficiently recruit and retain highly qualified and motivated employees in towns and cities across this country. In an increasingly competitive market with an increasingly retirement-eligible workforce, the stakes are simply too high for the VA to continue to struggle to hire the employees it needs.

While more remains to be done to simplify and shorten the VA's hiring process and strengthen the VA's ability to bring the very best professionals onboard to serve our veterans, H.R. 1367 is the first step to ensuring a sufficient VA workforce is available to veterans for generations to come.

I urge all my colleagues to join me in supporting this legislation.

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

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, March 10, 2017.

Hon. DAVID P. ROE,
Chairman, Committee on Veterans' Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 1367, ''to improve the authority of the Secretary of Veterans Affairs to hire and retain physicians and other employees of the Department of Veterans Affairs; and for other purposes.'' 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 March 6, 2017, 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. 1367 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, March 10, 2017.

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

DEAR CHAIRMAN CHAFFETZ: In reference to your letter on March 10, 2017, I write to confirm our mutual understanding regarding H.R. 1367, to improve the authority of the Secretary of Veterans Affairs to hire and retain physicians and other employees of the Department of Veterans Affairs and for other purposes.

I appreciate the 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. 1367 and does not in any way waive or diminish the Committee on Oversight and Government Reform's jurisdictional interests over this or similar legislation. I will support a request from the Committee on Oversight and Government Reform for appointment to any House-Senate conference on HR. 1367. 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.

Thank you for your attention and assistance in this matter. Sincerely,

Sincerely,

DAVID P. ROE, M.D.,
Chairman.

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

Mr. Chairman, I rise in strong support of H.R. 1367. I would like to thank the gentleman from Ohio, first of all, as an incredibly important Member of the House Veterans' Affairs Committee, a doctor himself and, as important, a colonel in the United States Army and the United States Army Reserve. An incredible insight into the very issues we are addressing and, I think, bringing this bill right now, we had a very good debate on fixing the VA, moving them in the right direction. And this piece of legislation is incredibly spot-on about another piece of that accountability.

Dr. WENSTRUP's bill will help the VA better understand its staffing shortages, and I think this is important. We all say 45,000 openings or whatever; it is important for us to know, do we need to hire all 45,000 of those; which ones are critical; which ones can be done faster. So that piece is common sense.

It develops an executive management fellowship program that will allow the VA to send its leaders to the private sector to learn best practices and vice versa; again, incredibly smart, welcome change.

It will allow the VA to develop technical advancements, so employees who are in a specific field can advance in title and salary, without moving to a management role.

Quality hiring, training, and retention starts with a good HR department. This legislation will provide critical research into best HR practice and then provide the training to VA HR managers. These provisions, along with other hiring authorities, will help the VA get the right people in the door.

Currently, as the gentleman said, the process is slow, cumbersome, and, quite honestly, I think it just burns people out before they get there. And these are really dedicated folks who want to serve.

I have a gentleman I have become acquainted with who is a nationally renowned cardiac surgeon who left a very lucrative private practice to go to the VA after his son was wounded in the current conflicts in Iraq and Afghanistan, and chose to do his part by going back into the VA system.

He mentioned how cumbersome it was. He mentioned some of the bureaucratic troubles that he had, and all he wanted to do was bring an incredible skill set to serve those who served us; and Mr. WENSTRUP's bill does exactly that.

I encourage all Members to support this legislation, and ask that consideration in support of the amendments be brought forward, be considered. Each of these amendments will improve on a really good piece of legislation, improve the Secretary's ability to recruit, train, and retain a quality workforce.

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

Mr. WENSTRUP. Mr. Chairman, I would just like to take a second here to thank the ranking member for his hard work and putting forth many of the ideas that are in this bill and working with us, and thank him for his service to our country in the military and the high rank that he achieved, and bringing those experiences to us.

Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Mr. Chairman, I want to thank, certainly, Dr. WENSTRUP, for bringing forward this bill, and also the ranking member here for good bipartisan work.

1978 was a good year. I was playing soccer at the AYSO as a young, 11-year-old kid. It was also a good year because that was the last time the civil service had a total revamp of its system. It has been that long since civil service has had this type of reform, and we are looking, on the Committee on Oversight and Government Reform, to take what is being done here in a good, bipartisan way, and try to institute some of these good best practices into the broader Federal Government.

The current hiring process is far too long and far too complex. We want to ensure the Federal Government remains a competitive employment option. We also want to make sure, particularly at the VA, that the department has the necessary data to make smart hiring decisions and ensure important positions are filled.

This bill will allow technical experts to earn promotions without having to necessarily go into the management track, which is very important. For some of the skill sets, you don't have to be in management if you are providing a skill that is so imperative to making sure we take care of our veterans.

The bill also allows for a fast-tracked reemployment of former VA employees who have a proven record of success at the agency. We get some people trained up, maybe they go and do something else, we ought to give the people priorities in coming back as well, to make sure that we have the most qualified Federal workers who are taking care of the people who have taken care of us. They did the heavy lifting for this country, and they deserve better, and we can do better by them. A big part of that would be passing this bill, H.R. 1367.

So, again, I want to thank Mr. WENSTRUP for his leadership. I am glad this is moving forward, and I stand in support of the bill.

Mr. WALZ. Mr. Chairman, before I yield to the gentleman from Florida, I would like to point out, as a new Member bringing new vitality and new blood to this, how encouraging it is, both to me and, I would hope, to his constituents. Seeking out ways to serve veterans, coming to try and work on legislation in a bipartisan manner speaks volumes for his commitment.

I yield 2 minutes to the gentleman from Florida (Mr. SOTO).

Mr. SOTO. Mr. Chairman, we send our servicemen and -women overseas in harm's way to protect our country because we know that freedom isn't free. So it is fundamental, as we, with such vigor, ask them to go to the battlefield, that we protect them when they are off the battlefield. And it is fundamental that, when they return, they have a world-class hospital system.

Now, today we begin consideration of H.R. 1367, which is exciting because it is a bipartisan bill to improve the VA's authority to hire, train, and retain physicians and other critical staff in the Veterans Health Administration.

Over the last 5 years, we have seen more than 2 million veterans enroll in the VA healthcare system, and we believe—both parties believe that nothing should stand in the way of any veteran having confidence in and access to care and benefits they earned and deserve.

I represent the central Florida area, and we are so honored to have a brand new Orlando VA, in a high-growth area, and the need is great. I was also honored to be able to have an office right across the street from the VA hospital that we just opened up last week, to be in proximity and to help our veterans.

But I can tell you, having met with some of our veterans already, we are looking at 3- to 6-month waits, even in a new facility.

A gentleman, who I will refer to as Mr. Smith so that I don't divulge his personal information, came to me yesterday, and he had issues with a podiatrist. He was not able to see them over the next couple of weeks. And in his goat farm in my district, he is unable to pursue his gainful employment, and we are trying to get him in over the next 2 weeks, but it could be 3 to 4 weeks.

So we need to stand together to restore trust and accountability and fill these positions. And so I applaud both parties, and I am excited for the Veterans' Affairs Committee to take this bold action to recruit and retain the most talented workforce, which is well-needed to provide quality and timely medical care for our Nation's veterans, for those in central Florida, Florida, and beyond.

□ 1830

Mr. WALZ. Mr. Chair, before I reserve the balance of my time, I would like to point out to the gentleman from Florida that he has a podiatrist right here in Dr. WENSTRUP, so we can just solve the problem as we stand.

I reserve the balance of my time.

Mr. WENSTRUP. Mr. Chair, I yield 2 minutes to the gentleman from Maine (Mr. POLIQUIN), who has been a very vocal supporter of our veterans every step of the way.

Mr. POLIQUIN. Mr. Chair, I would like to point out for the RECORD that

both Mr. WALZ and Mr. WENSTRUP are both veterans, and we are so grateful for their service to our country in so many different ways.

Mr. Chair, it was our first commander-in-chief, George Washington, who said, and I paraphrase, that we can never expect young men and women to rise to the occasion to fight for our country and for our freedom unless we take care of those who have already sacrificed on the battlefield. So the wonderful thing about serving on the Committee for Veterans Affairs, Mr. Chair, is that it is completely bipartisan.

This is all about our veterans. We just love them in the State of Maine—66,000 veterans strong in our Second District of Maine, Mr. Chair. We have one of the highest percentages of our population that are veterans in the country, and we are very, very proud of that.

I must say that, in my dealings with Togus—which is, by the way, Mr. Chair, the first military hospital in the country. It is about 150 years old now. They set up to take care of our Civil War veterans about 150 years ago.

In any event, in talking with the folks at Togus, they made it very clear to me, Mr. Chair, that one of their biggest problems they have, and it is ongoing, is: How do we hire quickly and retain the best quality doctors, nurses, and medical technicians to care for our heroes?

That is why I am so excited and grateful for this opportunity to vote for H.R. 1367, because it helps solve one of these problems. It removes red tape in the hiring process. It streamlines the hiring process.

The Veterans Administration has about 360,000 employees, so it is a very large organization. When that happens, of course, you need to deal with administrative burdens and red tape and what have you.

So I am encouraging all of my fellow colleagues here, Republicans and Democrats, to make sure they vote for this bill, H.R. 1367, because our best fought for us, Mr. Chair, our best fought for us. It is time that our best take care of those who fought for us.

Mr. WALZ. Mr. Chairman, I have no further speakers and will be prepared to close after the gentleman is done.

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

Mr. WENSTRUP. Mr. Chair, once again, I encourage all Members to support H.R. 1367, and I yield back the balance of my time.

Mr. WALZ. Mr. Chair, I can't thank the gentleman enough—smart legislation combining many good ideas, willingness to incorporate those best practices, and then, I think, forcing VA to start moving in that direction.

This is an example, I think, of where the VA is at. And while we may disagree, and you saw a little bit of it today, it is not because there is any disagreement on what the final outcome is.

Dr. WENSTRUP's bill is smart. It will improve care; it will get good people in the VA; it will retain them; and it will improve HR practices to make sure that happens.

I encourage my colleagues to support the bill and some of the amendments that will work to improve upon a very good piece of legislation.

Mr. Chair, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Mr. WENSTRUP. Mr. Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POLIQUIN) having assumed the chair, Mr. BUDD, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1367) to improve the authority of the Secretary of Veterans Affairs to hire and retain physicians and other employees of the Department of Veterans Affairs, and for other purposes, had come to no resolution thereon.

CELEBRATING THE LIFE OF LOUISE HOPKINS UNDERWOOD

(Mr. ARRINGTON asked and was given permission to address the House for 1 minute.)

Mr. ARRINGTON. Mr. Speaker, I rise today to celebrate the life and legacy of Louise Hopkins Underwood, a west Texas icon who passed away Tuesday, March 7, at the age of 97.

Mrs. Underwood was known as a charismatic woman with a sharp sense of humor. A woman loved by all, she was gracious, she was generous, and she was inspirational.

Mrs. Underwood was the mother of six and a pioneer in her quest to promote a passion for the arts and a stronger sense of community on the south plains.

Our region, which has a rich history better known for farming and ranching, is now also known for the arts, thanks to Mrs. Underwood.

Ecclesiastes 7:1 says:

> A good name is better than fine perfume, and the day of death better than the day of birth.

Thank you, Mrs. Underwood. Thank you for your fragrant life and for leaving a legacy of a brighter, more colorful west Texas.

God bless the Underwood family.

CONDEMNING HEALTHCARE BILL

(Mr. GOTTHEIMER asked and was given permission to address the House for 1 minute.)

Mr. GOTTHEIMER. Mr. Speaker, I rise today to speak out against the healthcare bill that is currently making its way through the House. It is an attack on seniors that will raise New Jersey taxes, and I refuse to sit idly by.

First, it includes a premium senior tax that would make older Americans pay five times more for their health care.

Second, the plan before Congress takes aim at long-term care to support the elderly and disabled and could ultimately throw seniors out of nursing homes. Three out of five nursing home residents in New Jersey rely on Medicaid to access long-term care.

Finally, it is not only seniors who would be hurt. This bill is a new tax on all New Jersey residents. It cuts Medicaid and leaves the State holding the bag for other States, and it puts additional costs on New Jersey to confront healthcare challenges like the opioid crisis sweeping our State.

We need a bipartisan fix to the Affordable Care Act. This plan does just the opposite. I am ready to sit at the table with Democrats, Republicans, and Independents to come up with a real fix.

BILLIONAIRE'S BUDGET

The SPEAKER pro tempore (Mr. BUDD). Under the Speaker's announced policy of January 3, 2017, the gentlewoman from Washington (Ms. JAYAPAL) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Ms. JAYAPAL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Ms. JAYAPAL. Mr. Speaker, this evening I rise to speak on behalf of the Congressional Progressive Caucus, and I believe some of my colleagues will be joining me, to talk about the budget that has just been released by this President.

I would like to say, Mr. Speaker, that while it is being called a skinny budget, we call it the billionaire's budget. It is the same misguided, rambling, unfocused, bloated giveaway to rich and corporate interests that has been offered for years.

My belief is that a budget is a statement of our values. This budget ensures that the rich get richer at the cost of working people, the environment, and the future of our country.

Funding has been axed for nearly 20 agencies, from the Corporation for Public Broadcasting to the National Endowment for the Arts and the National Endowment for the Humanities. In addition to elimination of these important agencies, the billionaire's budget guts funding for several other important agencies.

You can see here by this chart from The Washington Post exactly what is happening: the Environmental Protection Agency chopped by 31 percent; the State Department cut by 29 percent; Agriculture cut by 21 percent, the Labor Department by 21 percent.

And the cuts go on through every single agency of critical importance to the American people: Department of Health and Human Services, Commerce, Education, Housing and Urban Development at a time when we have a tremendous housing crisis in this country.

Transportation, from a President who said that he was going to invest in our infrastructure, yet here you see that the Transportation budget has a 13 percent cut.

Mr. Speaker, the reality is that the cost of security for the Trump Tower is $183 million a year. The budget for the National Endowment for the Arts is $148 million a year.

There are some other cuts that we could do if we were that concerned, but let's talk about housing. Housing access and affordability is squarely on the chopping block in this billionaire's budget.

With a $4.3 billion cut, HUD will lose its Community Development Block Grant program. Now, some people don't know exactly what the Community Development Block Grant program does; and, in fact, it sounded like Director Mulvaney didn't know that either when he was asked about a critical program that is funded through this Community Development Block Grant program, and that is funding for Meals on Wheels.

There are communities across this country that fund their Meals on Wheels program, which is funding for meals for the elderly who cannot get to somewhere where they can get a meal, and so we take them a meal. That is Meals on Wheels, an incredibly bipartisan, beloved program. Unfortunately, that would go away because the CDBG program would be cut; and, therefore, the Meals on Wheels program would be cut.

These programs are an integral part of building up our communities, both through affordable housing as well as through some of these critical programs that go as wraparound services to affordable housing.

The city of Seattle, which I represent, is currently in a state of emergency due to its housing crisis. Right now, there are around 3,000 people experiencing homelessness in the city and nearly 10,000 in the surrounding areas—veterans, families, LGBTQ youth.

This is unacceptable. Access to stable housing is absolutely critical to making sure that members of our community are safe and able to access the services they need to get back on track and live full lives.

Let's talk about Health and Human Services. The Department of Health and Human Services is facing an 18 percent cut to its funding, which could have devastating—and I am talking about life and death—consequences here, absolutely devastating impacts.

It would decrease the funding for the National Institutes of Health, for cancer and medical research, critical programs that help us to figure out how we save lives in this country and actually are part of the innovation that the United States offers. Gutting this funding would put us at a grave disadvantage, and it would put people's lives at risk.

Transportation, another critical area that this President promised that he was going to invest in. He was going to make sure we were bringing forward jobs, that we were investing in our infrastructure, our crumbling roads and bridges, making sure that we are investing in critical transit and transportation projects. But in this budget, the Transportation budget is facing a 13 percent cut. That is nearly half a billion dollars from the TIGER grant program, which has allowed our country to carry out critical infrastructure improvement projects not just in one kind of a city, not just in urban areas, but urban and rural areas alike.

The billionaire's budget would also cut funding to all new fully funded grant agreements, including some really important projects in cities across the country.

In Seattle, our critical streetcar project would be cut; and light rail expansion, which we have been working on for years, the State has invested in a bipartisan way—when I was in the State senate, we actually passed a $15 billion transportation infrastructure package because we knew that we had to deal with the transportation infrastructure needs of business, of our communities across the State and the influx of people into our State.

□ 1845

We agreed in a bipartisan way that this was something we needed to do. Part of that agreement included being able to fund the next phase of light-rail across our region.

Our Sound Transit CEO, Peter Rogoff, calls this budget a ''body blow.'' I couldn't agree with him more. We are looking at potentially a $7.7 billion cut to Sound Transit.

These are major transportation projects for our cities. They would create jobs, which is what this President said that he wanted to do, is create jobs. But by gutting these funds and gutting investment in transportation infrastructure, we will be stopping the very projects that are going to create those jobs and help our cities and rural areas make the necessary upgrades that they need to thrive.

Mr. Speaker, one of the worst areas that is hit in this budget is the environment. This billionaire's budget is an all-out assault on our environment and efforts to fund research and curb climate change.

President Trump has found ways to wreak havoc on our efforts to protect our planet by, in this budget, cutting climate research and protection funds to multiple departments. This isn't just the Environmental Protection Agency, but we are talking also about NASA space exploration and many other areas that ensure that we preserve this planet for the next generation.

I have got a 20-year-old, Mr. Speaker, and when I was running for Congress, he said to me: Mom, you have got to work on climate change. It is one of the most important issues facing my generation. You are the stewards of our lands. If you don't take care of this planet, then we won't have anything left and my children won't have anything left.

This is my 20-year-old son telling me this. Mr. Speaker, I promised him I would do everything I can for his generation and future generations to protect our planet.

Unfortunately, one of the biggest cuts in this budget is to the Environmental Protection Agency. This is a 32 percent cut to the Environmental Protection Agency. This decimates all of our work on climate change, all of the research that we need to do so we know how to protect our climate, all of the work on environmental justice programs, which is really essential when you think about who is taking the burden of climate change. It is our low-income communities, communities of color, and other vulnerable and marginalized communities.

I have always believed that we should rename the EPA. Environmental Protection Agency makes it sound like it is something off in the distance, like it is about something out there. But, in fact, what the Environmental Protection Agency does is monitor our water so that we have clean water to drink and use. It monitors our air so that we have clean air to breathe and we don't have asthma and other respiratory diseases that come with air that is so polluted that we can't even survive in it. It ensures that we are protecting human health.

We could rename the EPA the Agency for Clean Water, Clean Air, and Human Health, and I think that that would cover a lot of what the EPA does.

The EPA's cut is going to result in 3,200 lost jobs. That is 20 percent of the department. Research programs would be discontinued both domestically and around the world, and programs like the Clean Power Plan and numerous restoration projects, including a critical restoration project in the Puget Sound, the Puget Sound Restoration, would lose 93 percent of its funding. This is true of the Great Lakes region. There are places in Republican and Democratic districts across this country that are going to suffer and see environmental protection being rapidly undone.

President Trump has made it painfully clear that he and his administration are enemies not only of the environment, but of the science that tells us that yes, we must address climate change because it is real and it is manmade. Yet, we are fighting efforts to consistently undermine the research and the science that shows us exactly

where we are as a country and what we must do in order to protect our environment.

Let me talk about education for a second. With the appointment of Betsy DeVos to the Department of Education, President Trump has signaled that his administration has every intention of doing whatever they can to privatize our education system. The billionaire's budget takes the first steps in that process.

It increases charter school funding by $168 million and it adds $250 million to create a new, private school choice program. It cuts $3.7 billion in grants that go toward after-school programs, aid programs, and important teacher training.

This budget would decimate Head Start. Head Start is a program that has been shown to be successful. When you invest early in kids' education and you make sure that you give them that early support, it definitely has an impact in diminishing and breaking that school-to-prison pipeline.

These are investments that save us money in the long run. Not only are they the most humane thing to do and the right thing to do, but they are actually cost-effective programs that stop us from having to spend millions of dollars down the line when people can't get a great public education.

We should be investing in our public education program and making sure that we are helping kids to go all the way from early learning to higher education. That is the foundation of a great country, when we are educating and investing in our students to have that kind of a great education.

Mr. Speaker, I see that my colleague from the Progressive Caucus is here. I yield to the gentleman from Maryland (Mr. RASKIN), the wonderful Representative from that State, because I know he has got somewhere to go right after this. I invite him to come up here, and I thank him for his leadership on all issues constitutional and otherwise.

Mr. RASKIN. Mr. Speaker, we are so proud of the leadership Congresswoman JAYAPAL is showing in both Washington State and Washington, D.C., in resisting these terrible cuts to the domestic budget of the people of the United States, in showing leadership, also especially in defending American values when it comes to immigration and affording a refuge to people fleeing political and religious repression all over the world.

She is a true leader and we are very proud of her. I am grateful that she is sharing a couple of minutes with me tonight to talk about the astonishing news of the day, which is the most dramatic and draconian budget cuts offered perhaps in our lifetime to the domestic budget of the United States.

It is going to take us many days—many weeks, indeed—to fully analyze what exactly will be axed with these budget proposals, but I wanted to start with a little exchange that took place today with Mick Mulvaney, who is leading the budget effort for the President.

He had a press conference and he was asked about the implications of these billions of dollars of cuts to Meals on Wheels. He was asked about one specific program, and he had no problem basically casting Meals on Wheels to the curbside, saying: ''It's just not showing any results.'' Which is why the Trump administration apparently feels good about slashing the domestic budget, including the community development block grants which help support Meals on Wheels across the country.

Well, let's just take this one tiny little example, then. Meals on Wheels actually serves 2.4 million Americans between the ages of 60 and 100. These are people who, for reasons of illness or physical infirmity or simply poverty, cannot go grocery shopping for themselves or prepare meals for themselves.

Why don't we take a moment to praise the people at Meals on Wheels who actually do something constructive and patriotic for their country. They bring food to older people who might otherwise go without.

You might say: Well, that is just kind of mushy-headed and soft-hearted. We are in the age of the budget ax. We need to destroy these domestic programs that are a terrible burden on the taxpayers.

Check out a 2013 review of studies on the issue of home-delivered meal programs like Meals on Wheels. The study says that these programs ''significantly improve diet quality, increase nutrient intake, and reduce food insecurity and nutritional risk among participants. Other beneficial outcomes include increased socialization opportunities, improvement in dietary adherence, and higher quality of life.''

Well, maybe you don't care about any of those things. Maybe you just consider about the bottom line.

Consider this finding. These programs are aligned with the Federal cost-containment policy to rebalance long-term care away from nursing homes to home and community-based services by helping older adults maintain independence and remain in their homes and communities as their health and functioning decline.

You see, for Mr. Mulvaney and President Trump and the Cabinet of billionaires and CEOs and ethically challenged Russian-influenced corporate titans, they don't care about how the program is actually working right here in American communities.

They don't care about facts. We know they have contempt for facts, which is why they give us their alternative facts. They don't care about studies and books because we know the President is their leader and he doesn't read books.

They definitely don't care about the elderly people who can't make it to the grocery store or who can't afford nutritious meals on their own. These are the same people, after all, that they propose to throw to the curb on Medicaid, with their proposal released last week in the cloak of darkness to repeal the Affordable Care Act and gut Medicaid and replace it with a monstrosity of a program which even their own Members can't support. Under their plan, 14 million would lose their healthcare insurance. Millions of elderly people would lose their insurance.

Now, with this mean-spirited little proposal to take a relative crumb away from the community development block grant and from Meals on Wheels, they would deprive a lot of people even of a wholesome dinner delivered to their home.

Why do they want to slash all of these programs across the board: the EPA, the State Department, the Agriculture Department, the Labor Department, the Department of Health and Human Services, the Commerce Department, the Education Department, HUD, Transportation, Interior, and so on? Why?

Well, the President has announced he wants to take $54 billion out of that slice of the pie for nondefense discretionary spending, which accounts for only 16 percent of the overall budget, and put that $54 billion directly into the Pentagon.

Just to repeat, they want to take $54 billion out of the domestic budget, nondefense discretionary spending, and put it into the Pentagon for a military buildup.

But for what?

The world's second largest military power is Russia. We outspend them 10 to 1. We are a giant and they are a dwarf.

Vladimir Putin, in any event, is Donald Trump's best friend, his BFF, his bosom buddy. The Trump-Putin relationship may be the President's most successful long-term relationship, at least politically speaking.

All that money that goes to the Pentagon, why? What is it for? Is it possible that Mr. Bannon and Mr. Trump are thinking about a war drive?

The President has tweeted about World War III in a very cavalier and flippant way.

It is disturbing. Nobody really knows. But one thing we do know is that all of that money that goes over to the Pentagon, if history is any record, will be available for the beltway bandits, the inside players with political influence and the mega corporations to go and make a buck off of the American taxpayer.

We will strip it from the EPA, and we will strip it from the Department of State, and we will strip it from education and we will put it in the Pentagon, and that is where we know a lot of people are going to get rich.

□ 1900

They are going from Meals on Wheels to deals on wheels. That is the name of the game. No more Meals on Wheels. It is all about deals on wheels. You have got to know the President, you have got to know the inside players in the

billionaire Cabinet, and then you can make some money.

Who are they going to sacrifice for this operation announced this week?

Well, it would take us all night to go through all of the domestic programs and projects that the American people depend on that are going to be sliced and diced because of this budget proposal, at least if it goes through.

But let's start with the National Institutes of Health, the NIH. The administration proposes to cut nearly $6 billion from the NIH—$5.8 billion they want to get rid of.

Now, what is the NIH, which happens to be in my congressional district in Rockville—and I am so proud of that—where we have got doctors and nurses and researchers and scientists who are working every day as part of the institutional world leader in biomedical research?

This is an entity that supports hundreds of thousands of jobs. These cuts would devastate the NIH and their ability to research lifesaving cures and treatments for diseases.

What kinds of diseases are being treated there?

I am not going to be able to go through all of them because there are hundreds of them that are being researched, where treatments are being developed, where patients are being seen, where progress is being made. Acute respiratory distress syndrome, Agent Orange and dioxin, aging, alcoholism, Alzheimer's disease, ALS, anorexia, anthrax, antimicrobial resistance, anxiety disorders, aphasia, arthritis, assistive technology, asthma, attention deficit disorder, autism, autoimmune disease. That is just the A's.

Let's keep going a little bit. Batten disease, biodefense, bioengineering, biotechnology, bipolar disorder, brain cancer, brain disorders, breast cancer, cancer, cannabinoid research, cardiovascular, cerebral palsy, cervical cancer, child abuse and neglect research, Charcot-Marie-Tooth disease, childhood leukemia, chronic fatigue syndrome, chronic liver disease and cirrhosis, chronic obstructive pulmonary disease, climate change, climate-related exposures and conditions, colorectal cancer, and on and on. That is just the A's, the B's, and the C's.

They want to cut $6 billion from the NIH, which is working to cure, address, study, and manage the diseases and the sicknesses that our people are dealing with; and just cavalierly they say they want to slash it so they can pour all of this money over to the military side for a reason unknown.

When they came down with their executive orders, which have now been struck down by multiple Federal District Courts as unconstitutional, as a violation of the Establishment Clause, as a violation likely of due process and equal protection and so on, what they cited was 9/11 multiple times. They cited 9/11. The odd thing, though, was that the three source countries for the 9/11 hijackers—Saudi Arabia, Egypt, and the United Arab Emirates—were left off their executive orders, even right up until today.

Why?

Some people say it is because Donald Trump has extensive business dealings with corporations and governments in those three countries. Nobody really knows. But they developed those orders, which the GOP proudly once called the Muslim ban, in response allegedly to 9/11. Even if you could blame an entire people for the acts of individual terrorists, they didn't do it. They turned to some other countries because that didn't interfere with the President's business interests.

So we have got this huge military buildup and we have got the siphoning away of tens of billions of dollars of the American people's hard-earned money away from medical research and diseases and environmental protection all into the Pentagon. For what reason, nobody knows, and they haven't told us.

What a dangerous moment this is in the life of the American Republic. What a perilous time this is for a nation built on the principle that that great Republican President Abraham Lincoln called government of the people, by the people, and for the people.

Their budget proposal is a job killer. It is going to kill hundreds of thousands of jobs. It devastates and ruins the search for cures, the progress we are making in diseases like cystic fibrosis and diabetes. Diseases that afflict hundreds of thousands, millions of our people, they are just going to pull the plug on that. They are ransacking our children's education. They are hollowing out the rural communities. They are making urban life far more dangerous. They are weakening our leadership overseas. And, of course, because they don't believe in climate change, they are undermining our ability to respond to the great peril that faces us as a people.

Just like the proposal to trash the Affordable Care Act cannot go through this body because there must be a majority of responsible Members of this body who will not accept that terrible proposal that will throw 24 million of our people off their insurance, this body also cannot accept this terrible budget. It must have arrived here DOA.

If a foreign government, a rival to America, an enemy of America, had come up with this budget, we would regard it as an act of aggression against the American people. You could view it as a declaration of war against the prosperity, the health, and the welfare of our own people. But, alas, it didn't come from abroad. At least it was addressed that it came from the White House. It appears to have come from the administration, yet it threatens our way of life.

I would urge all of my colleagues to very carefully study this budget proposal over the next week or two and make clear that these are not the priorities of the American people, make clear that these are not the values of the American people, and this is not the future of the American people. We must continue to make progress. That means we must reject the Trump budget.

Ms. JAYAPAL. Mr. Speaker, I thank Representative RASKIN for his consistent brilliance and leadership. I so appreciate it. It has been a tremendous honor to serve with him here.

I want to talk about another area that we haven't covered yet, which is the State and development programs budget. This is essentially our efforts around diplomacy and development around the world. This would be incredibly hard hit. The prime target is the United Nations. Climate change initiatives at the United Nations would lose all of their funding. The government would cut back its regular contribution to the U.N. and pay no more than 25 percent of the cost of U.N. peacekeeping operations. The budget would hit all of the multilateral development banks, like the World Bank, which would be trimmed by $650 million over 3 years, and cultural programs like the East-West Center in Honolulu.

Today a number of Republican colleagues talked about how misguided this cut was, and it made me very hopeful, to be honest. Representatives HAL ROGERS and TED YOHO both agree that this cut is absolutely misguided.

Several retired three- and four-star generals wrote a letter to Congress expressing their deep concern over these serious budget cuts that are being made to the State Department because they know that diplomacy goes hand in hand with any kind of defense that has to be put out there. You have got to have the two together. Here is what they said: ''The State Department, USAID, Millennium Challenge Corporation, Peace Corps and other development agencies are critical to preventing conflict and reducing the need to put our men and women in uniform in harm's way.''

In 2013, General Mattis himself said that if more funding for development wasn't provided, he would have to buy more bullets. Development programs are inextricably linked with our national security, and this President should not be cutting these funds if he wants to bolster national security. If he wants to bolster national security, then we should be investing more of our dollars into diplomacy and development as two of the other legs of a three-legged stool. Unfortunately, he is going in the opposite direction.

Our aid and development efforts have to be well-rounded and holistic. I know this because I have worked in international development before all over the world. I have worked along the borders of Laos and Cambodia, in Thailand. I have worked across south Asia. I have worked in Latin America. I know and I understand that our relationships and our ability to build

strong multilateral coalitions and to invest in the stability of countries as war is happening there is absolutely essential to preserving peace.

The generals wrote: ''We know from our service in uniform that many of the crises our nation faces do not have military solutions alone—from confronting violent extremist groups like ISIS in the Middle East and north Africa to preventing pandemics like Ebola. . . .''

This 29 percent cut is absolutely unacceptable and will not keep us safe.

The billionaire's budget doesn't just cut funding for these programs, though. It also increases spending, and not for the benefit of our communities. This administration is calling for $3 billion to detain more immigrants, deport more people, and build a bigger border wall. The staggering increase to detain an unprecedented 45,700 men and women is unacceptable.

Mr. Speaker, 167 men and women have died in detention since October 2003. The organization that I used to work at put out a human rights abuses report about the detention center controlled by the GEO corporation, private detention center way back in 2005 or 2006. We looked at all of the human rights abuses that were happening not only in that detention center, but we did research on what was happening around the country.

Among the 35 death reviews in this recent report that came out that have been released through Freedom of Information Act requests, substandard medical care contributed to at least 15 deaths. And even when government investigations concluded that a facility violated government detention standards, the government fails to hold these private facilities accountable and make sure that changes are made to address deficiencies that lead to the loss of human life.

Instead of spending $3 billion on immigration enforcement and detention, here is what we could do with that money: We could create 45,000 new middle class jobs. We could build 184 new elementary schools. We could hire about 55,000 new kindergarten and elementary schoolteachers. We could provide close to 337,000 Head Start slots for young kids. We could pay for nearly 311,000 people to attend a 4-year college per year. We could help States protect and save up to 12,000 at-risk wildlife and plant species in the United States every year for the next 2.3 years. By the way, we could also provide nearly 2.1 million households with solar energy. We could weatherize over 460,000 homes nationwide, saving the average household about $283 a year. And we could provide 10 million lifesaving HIV/AIDS treatments.

Mr. Speaker, this budget is about profit over safety, privatization over public good. It is about war over peace and diplomacy. And it is about incarceration over rehabilitation. It is fundamentally about billionaires and lobbyists over the American people.

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

□ 1915

RECOGNIZING VICTOR MARX

The SPEAKER pro tempore (Mr. GALLAGHER). Under the Speaker's announced policy of January 3, 2017, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes as the designee of the majority leader.

Mr. FRANKS of Arizona. Mr. Speaker, Mr. Victor Marx is a man dedicated to spreading the great truth that even in the face of hate and violence, the love of God can heal even the most wounded among us. Victor's full life story has been chronicled in the book ''The Victor Marx Story'' and in a film by the same name.

Victor's animating, faith-motivated, moral imperative to help the suffering has fueled the mission of All Things Possible to free children from abuse and the effects of its trauma.

Therefore, Mr. Speaker, I rise today to recognize and to commend Victor Marx and All Things Possible Ministries for the work they do to reach out and embrace traumatized individuals across the world.

In 2015, All Things Possible launched high-risk missions to bring hope to those suffering abuse at the hands of evil in the Middle East. Victor and his team, including Dave Eubank of Free the Oppressed, visited Iraq to help over 300 young women and children who were previously held captive or traumatized by the violence of ISIS.

In an effort to provide children with tangible comfort, ATP launched the Lions and Lambs project. More than 11,000 little boys and girls have received stuffed animals that play cultural songs and prayers in a language native to their region. These signs of huggable hope remind them that they are not forgotten by the outside world.

In 2016, Victor and his team initiated efforts to find persecuted Christian families in northern Iraq and move them to safe havens in neighboring countries. To date, ATP has relocated more than 40 individuals specifically targeted by ISIS for elimination, giving them hope for a safer, better life, and restoring their faith in the human spirit.

Last year, ATP launched the third option with the goal of offering concrete alternatives to those vulnerable to ISIS recruitment. ATP unites with moderate leaders of the Islamic faith to pursue this goal. Recognizing Victor as a man of the book, a key leader of the Sunni Endowment is now working with ATP to craft a common narrative designed to prevent men of military age from being assimilated into ISIS.

Mr. Speaker, the prophet Isaiah said: The wolf also shall lie down with the lamb, and the leopard shall lie down with the kid; and the calf and the young lion and the fatling together; and a little child shall lead them.

Victor Marx and All Things Possible Ministries have brought this powerful ministry to life in a very touching way. It should encourage all of us to relentlessly pursue that day when the light of hope will fall across all of the lonely faces of God's children all over this world and to that time when future generations, of those whom Jesus called the least of these our brothers and sisters, will be able to walk in the sunlight of liberty for as long as mankind inherits the Earth.

Mr. Speaker, I commend Victor Marx and All Things Possible, and I thank them for trying to make a better world.

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

DISMANTLING THE AFFORDABLE CARE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 30 minutes.

Mr. BLUMENAUER. Mr. Speaker, this has been a fascinating 2 weeks here on Capitol Hill. We have had, last week, all night sessions in our Ways and Means Committee and on the Energy and Commerce Committee dealing with the Republican plan to dismantle the Affordable Care Act. At times, Mr. Speaker, it is really hard to process all of the claims and counterclaims that are going on. I feel occasionally like I am in an alternative universe, and it is not just because we were up until 4:30 in the morning debating this.

People have lost track of how we got to this point—what was happening earlier, what has been the benefit and accomplishment of the Affordable Care Act, and what is going to happen moving forward were we to adopt a really disastrous proposal advanced by my Republican friends.

Twenty-five years ago, I was in a different role as Portland's commissioner of public works. And one of the elements in my portfolio for several years was to deal with personnel and benefits and health care. I am fully aware of trying to deal with our 6,000 employees to provide them with affordable health care that the city, as the employer, could afford, and that wasn't too burdensome on our employees. We were caught in a situation with rapidly escalating costs, inflation for medical care twice the rate of the ordinary inflation; we were having problems with employers maintaining coverage in an affordable fashion; and the individual market was, frankly, very chaotic and troublesome.

I have with me here a report from the Kaiser Family Foundation from March of 2009. They talked about these challenges—how the United States healthcare spending had risen from 1970 from 7.2 percent of the gross domestic product to where they projected that it was going to cost us by 2018, next year.

It would be $4.3 trillion, $13,100 per resident, and account for over 20 percent of the gross domestic product.

Mr. Speaker, I am pleased to say that, as a result of the unprecedented reforms that were incorporated in the Affordable Care Act, we were able to deal with this problem. We began 10 years ago, when Democrats gained control of Congress, working on expansion of the CHIP program, children's health, and it was one of the first actions signed into law by President Obama when he assumed office and we weren't facing a veto from the Bush administration.

We have been working for over 3 years trying to lay the foundation for moving forward with a comprehensive approach for healthcare reform. And it should be noted, for all of the hyperbole about socialized medicine and government dictating outcomes and taking control away from the American people, that is the furthest thing from the truth.

In fact, the program that was developed by President Obama and the Democrats, with no help from Republicans, was actually a middle ground. It relied upon the private insurance that most Americans had through work, and be able to expand that coverage, to be able to improve the quality of care, to be able to rein in medical inflation, to be able to deal with some of the most needy of us, and to be able to have a healthcare system that performed better.

The simple fact is we spend about twice as much as any other developed country in the world. And our outcomes, on average, are worse than what happens in those countries that my friends on the other side of the aisle derided—Canada, Great Britain, France, Germany. As a practical matter, those people get sick less often, they get well faster, they live longer, and they do so for a fraction of what we pay.

So what we did, through a very extensive process—multiple public hearings, meetings, seminars, position papers that were generated from a wide variety of areas—was to assemble a program to deal with that. One of the elements that drew the scorn of my Republican friends, and, in fact, is part of their repeal that is one of the centerpieces, is to repeal the mandate that people have health care.

It is ironic that that has become a target from Republicans because the mandate came from Republican alternatives to HillaryCare in the Clinton administration. In fact, 19 Republican Senators, including Senator GRASSLEY and Senator HATCH, supported a healthcare mandate to be able to expand and stabilize the health insurance market.

Well, what we have done through those 2 years that it was enacted, March 23, 2010—we are approaching the seventh anniversary—it went live in the fall and was fully in effect in 2014. So in the 3 years that the Affordable Care Act has been in place, it has had remarkable achievements.

You recall I mentioned what the studies showed that we were facing with rapidly escalating healthcare costs, where it was estimated that we would be having over 20 percent of the gross domestic product, we would be approaching over $13,100 per resident. Well, that didn't happen. Despite the dire predictions of the Republican opposition, healthcare costs did not skyrocket.

In fact, we anticipate now that instead of being over $13,000 per resident, it is under $10,000 after a couple years of operation of the Affordable Care Act. Not over 20 percent of the gross domestic product, but 18 percent. We have found that these are the lowest rates of medical inflation since we have been keeping track.

The Affordable Care Act, by any stretch of the imagination, has been a success. We have seen coverage expand dramatically to the lowest rate of uninsured in the United States in our history while we have contained costs. That success is all the more remarkable because there has been a concerted effort on the part of the Republicans, from the moment they seized control of the House in 2011, to make it worse.

Bear in mind, the Republicans attacked the Affordable Care Act in court, on the floor of the House, and in terms of trying to muddy the waters on the State level. The Supreme Court challenge to the constitutionality of the Affordable Care Act failed. The Supreme Court decided that the Affordable Care Act was constitutional and would remain.

But the Supreme Court made a devastating decision that allowed individual States to opt out of Medicaid expansion. That was part of the program that was so important to be able to extend care on a cost-effective basis to some of the lowest income people in the country. Thirty-one States did. Nineteen States refused to do so. That undercut the coverage, made huge problems, created situations where there were people in the Republican-controlled States that refused to extend Medicaid, despite the fact that the Federal Government was paying for it, that we had people who were too poor to qualify for assistance. Shocking, embarrassing, and to the detriment of those States, they had much worse outcomes.

But it is ironic that some of the people who started attacking the Congressional Budget Office projections about the impact of the Republican plan pointed to the calculation on the part of the CBO that they underestimated the number of people who would be uninsured.

□ 1930

Well, that was precisely because there was no expectation that States would not expand Medicare, and if that unfortunate decision hadn't been made, we would, in fact, have seen them hit their target numbers.

Despite the claims of outrage on the Republican side that there would be employers dropping coverage for their employees en masse, we found that, in the main, employers retained coverage. Now, this is not the case going forward with the Republican proposal.

I think there was a reason why my Republican friends insisted on jamming this through the Ways and Means Committee and the Energy and Commerce Committee before we had a chance for the scorekeeper, the CBO, to give the results of their analysis: because they knew how bad it would look.

The CBO anticipates that there will be 14 million more uninsured Americans, including 2 million who will lose coverage provided by their employer because of the way their alternative tax credit for health insurance would be structured. In my State, it is estimated that as many as 465,000 Oregonians could lose coverage. The uninsured rate will triple in our State.

One of the areas that has been most successful with the Affordable Care Act has been for older Americans. They benefit from the protections against discrimination, and they are going to see a return to much higher premiums and higher costs.

The Republican plan would take the requirement that seniors pay no more than three times the rate of insurance for premiums for younger people, that will be five times greater. And instead of the subsidy that is based on income, there will just be a flat subsidy across the board. This means, in practice, that older Americans are going to face steeply higher premiums, and they are going to pay far more out-of-pocket because of the less generous subsidy.

One example that ought to get, I think, everybody's attention: In 2026, a 64-year-old with an income of about $26,500 would pay $14,600 for their health insurance as opposed to $1,700 today, an increase of almost $13,000.

Now, there are winners and losers under the Republican approach. The healthy, young people will catch a break, but older Americans will pay a lot more at precisely the time when they need health insurance.

Now, our Speaker appeared to be confused when he was describing the difference between the Republican approach and the Affordable Care Act, when he talked about how all of these people are being subsidized by the majority, who aren't sick. As many commentators rushed to point out to the Speaker, that is what insurance is about. Many people pay some to subsidize those who suffer loss. You pay a couple of hundred dollars a year for auto insurance so that, when you have a $10,000 loss, that is picked up by the people who don't suffer a loss but paid the premiums nonetheless.

Think about what the Republicans have put in place. They are doubling down on what the Trump administration has done trying to discredit the efficacy of the program, casting it in

doubt. The administration has already stopped enforcing the mandate.

The IRS is supposed to check and enforce to make sure that people sign up for the ACA and everybody is part of the insurance pool, just like States have mandatory auto insurance. You are not allowed to run the risk of harming your fellow motorists by not having insurance. That is widely accepted and understood that it is necessary to have the system work right.

Now the Republicans are increasing the damage that Trump has imposed, unilaterally, by not enforcing the mandate. They are going to repeal the mandate. In place of the mandate, they are going to have a 30 percent surcharge in case people drop coverage and decide to reenter the insurance pool.

Well, think about that for a moment. The people who are young, healthy, who feel invincible and don't have healthcare problems now are very likely not to get insurance at all. They figure that when they get sick, they can go ahead, pay the 30 percent premium. If they find out they have got cancer, some serious disease, then they can sign up later. It is designed to destabilize the insurance system that we have.

By the same token, we are looking at the other end of the spectrum where the people who are lower income, older, and sick are going to pay a disproportionate burden. That is why the CBO determined, in their analysis, that in 2026, actually, there will be a drop in terms of insurance premiums, in terms of the cost. They will start to go down. They will go down because older Americans will be unable to afford the premium. They will drop the coverage.

It is not that they don't need health care. It is not that they are going to somehow avoid becoming sick or having accidents, but they are not going to have insurance coverage. That means the care that many of them are going to experience will be what we were fighting against before the Affordable Care Act. It will be in the emergency room. It will be when it is too late. It is not in a clinic before things get worse. It is after the fact, and it is in a setting that is not nearly as effective.

Mr. Speaker, it is really disappointing that part of the assault is on the Medicaid program itself. Medicaid is this program that provides care to the elderly, disabled, pregnant women, children, poor people. It is part of the bedrock safety net of this country. Republicans were against the expansion of Medicaid and making the qualifications to have Medicaid be more generous.

Under the Affordable Care Act, it is 138 percent of poverty, so lower and middle-income families are able to access this care. Prior to that, there were widely varying requirements across the country, and many of the States, particularly in the South, the States that declined to expand Medicaid, were facing really onerous restrictions—$10,000, $12,000, $7,000 family income—making it very, very hard and for only the most desperately poor to qualify for it.

Now, the Republican plan will eliminate the Medicaid expansion in its current form. It would cap Medicaid funding, and, ultimately, we are going to watch, reverting to what we had before—in effect, de facto rationing.

In Oregon, the Republican plan would shift $2.5 billion back to the States over the next 6 years. States are going to be left with impossible decisions: reducing benefits, cutting people off of Medicaid.

This is what has happened historically when people ran into difficult financial times in the States. They didn't raise taxes to make sure that the poor were provided coverage; they cut back coverage even more.

Sadly, under the Republican plan, 14 million Americans would lose Medicaid coverage by 2026, and it would start having its impact in less than 3 years.

The policy would also severely set back efforts to combat opioid addiction and improve mental health treatment.

In my community, as I visit health centers, find out what is going on in clinics, in local government, officials that deal with the homeless, the drug addicted, the mentally ill, we found that they are using the opportunity to enroll people in Medicaid to give them proper care and not put that burden on local governments that they simply can't cope with.

The Republican plan would prevent that. We won't be able to have people most in need provided with the mental health, the addiction services, the health care that they need.

The Republican plan would put 2.8 million people with substance disorders, including over 200,000—about 220,000 is the estimate that I have seen—with opioid disorders, at risk of losing their coverage, including the coverage of addiction treatment, continuing the tragic cycle that we see played out in our streets across the country, but particularly in Appalachia. Some of the areas that actually were most opposed to the Affordable Care Act have received the greatest benefit.

In a time of concern about budget deficits, repealing the Affordable Care taxes—which we approved in the Ways and Means Committee in the middle of the night last week—would create an immediate windfall tax cut for the highest American taxpayers. The Affordable Care Act was a balanced plan that actually reduced the deficit while it improved healthcare outcomes across the country.

This approach is going to provide—for example, the top 400 earners would see an average tax break of about $7 million a year, and people who are millionaires will be receiving tax cuts averaging $57,000 apiece; but, as it plays out, we will find taxes would raise significantly on about 7 million low- and moderate-income families.

Mr. Speaker, it also puts in jeopardy Medicare coverage for 57 million Americans by cutting the Medicare trust fund resources. Because of the total impact of what we have done with the Affordable Care Act, we have watched the Medicare trust fund have its life extended 2 years. The Republican tax proposal will cut $170 billion from the Medicare trust fund, moving it closer to being insolvent.

It is fascinating. Donald Trump promised not to touch Medicare or Medicaid. This plan violates both those promises. And as I had mentioned, the Trump promise that everybody would be covered under the Republican plan rings false. That is simply not the case.

Mr. Speaker, it was interesting, in the course of our deliberations, we received correspondence from the American Association of Retired Persons. They represent 38 million members in all 50 States, in the District of Columbia, Puerto Rico, and the Virgin Islands. It has a proven track record of being nonpartisan, a nationwide organization that helps people turn their goals and dreams into real possibilities for older Americans. They have a wide range of issues for which they have championed and gained notoriety; but, most significantly, we have watched them be involved with healthcare decisions, and they have been proven nonpartisan. In fact, I took issue with them when we were dealing with the Medicare part D prescription drug program in 2004.

□ 1945

It was unfortunate, I thought, that they kind of threw their weight to an inadequate program that was not paid for, that added to the deficit, and didn't do anything to fight to reduce prescription drug costs. But they made the judgment that this was the best they could do for the people they represented, and they didn't hesitate for a moment to work with Republicans to be able to enact that.

They wrote on March 7 to the chairs of our Energy and Commerce Committee and our Ways and Means Committee to express their opposition to the American Health Care Act. They did so because it would weaken Medicare's fiscal sustainability. They said it would dramatically increase the healthcare cost for Americans age 50 to 64 and put at risk the health care of millions of children and adults with disabilities and poor seniors who depend on Medicaid programs for long-term services, supports, and other benefits.

They have long fought to protect Medicare, and they pointed out in their correspondence that the 2016 Medicare trustee report said that the Medicare part A trust fund is solvent until 2028. This is 11 years longer than the projection immediately before the Affordable Care Act. Because of the changes in the Affordable Care Act, we gained solvency, 11 years longer.

Now, they have serious concerns about the Health Care Act that repealed provisions that strengthen the

fiscal outlook, specifically the repeal of the .9 percent payroll tax on higher income workers. According to their analysis, this provision would hasten the insolvency of Medicare by up to 4 years and diminish Medicare's ability to pay for services in the future.

Think about it, Mr. Speaker, we are dramatically increasing the number of uninsured Americans. We are going to give them more expensive insurance of a lower quality. They will have higher deductibles and copays. At the same time, we are jeopardizing the future of Medicare, which so many American seniors rely upon.

They pointed out that about 6.1 million Americans age 50 to 64 purchase their insurance in the nongroup market, and that over half of them were eligible to receive subsidies for health insurance coverage. They note the significant reduction in the number of uninsured since passage of the ACA, with the number of people in that age bracket dropping by half.

Yet, according to CBO, what is going to happen if the Republican plan is enacted, that that number is going to go back up again, it is going to be unaffordable for a number of seniors, and they are going to be paying a much higher cost.

Mr. Speaker, it is troubling that we are having a debate where we really have tried to discredit independent sources, where we have had no hearing dealing with the legislation that is rushing toward the House floor.

It is ironic that there was debate and discussion criticizing Democrats for the 3 years we spent developing the framework for moving the legislation forward. And after 6 years of my Republican friends being in power in the House, chipping away, undermining the Affordable Care Act, trying to make it worse, discrediting it, and voting over 60 times to repeal it, they do not have a plan in place to replace it.

Now, this is the best we can come up with. It is a program that is widely discredited.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARINO (at the request of Mr. MCCARTHY) for today and March 17 on account of inclement weather.

Mr. PAYNE (at the request of Ms. PELOSI) for today and March 17 on account of medical condition.

ENROLLED JOINT RESOLUTION SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a Joint Resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 42. Joint Resolution disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The Speaker announced his signature to an enrolled Joint Resolution of the Senate of the following title:

S.J. Res. 1. Joint resolution approving the location of a memorial to commemorate and honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield.

ADJOURNMENT

Mr. BLUMENAUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Friday, March 17, 2017, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

777. A communication from the President of the United States, transmitting the preliminary budget of the United States Government for Fiscal Year 2018, pursuant to 31 U.S.C. 1105(a); Public Law 97-258 (as amended by Public Law 101-508, Sec. 13112(c)(1)); (104 Stat. 1288-608) (H. Doc. No. 115—18); to the Committee on Appropriations and ordered to be printed.

778. A communication from the President of the United States, transmitting a request for additional appropriations to the Department of Defense and the Department of Homeland Security for Fiscal Year 2017 (H. Doc. No. 115—19); to the Committee on Appropriations and ordered to be printed.

779. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Sec. 72.202(b), Table of Allotments, FM Broadcast Stations (Red Lake, Minnesota) [MB Docket No.: 16-371] (RM-11777) received March 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

780. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final NUREG — Postulated Rupture Locations in Fluid System Piping Inside and Outside Containment [Branch Technical Position 3-4] received March 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

781. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final NUREG — Seismic and Dynamic Qualification of Mechanical and Electrical Equipment [SRP 3.10] received March 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

782. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final NUREG — Applicable Code Cases [SRP 5.2.1.2] received March 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

783. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final NUREG — Determination of Rupture Locations and Dynamic Effects Associated with the Postulated Rupture of Piping [SPR 3.6.2] received March 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

784. A letter from the Director, Office of Congressional Affairs, Office of New Reactors, Nuclear Regulatory Commission, transmitting the Commission's final NUREG — Special Topics for Mechanical Components [SRP 3.9.1] received March 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

785. A letter from the Assistant General Counsel for Regulatory Affairs, Office of the General Counsel, Consumer Product Safety Commission, transmitting the Commission's direct final rule — Safety Standard Mandating ASTM F963 for Toys [Docket No.: CPSC-2017-0010] received March 9, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

786. A letter from the Secretary, Department of Commerce, transmitting a report certifying that the export of the listed items to the People's Republic of China is not detrimental to the U.S. space launch industry, pursuant to 22 U.S.C. 2778 note; Public Law 105-261, Sec. 1512 (as amended by Public Law 105-277, Sec. 146); (112 Stat. 2174); to the Committee on Foreign Affairs.

787. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Somalia that was declared in Executive Order 13536 of April 12, 2010, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

788. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

789. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting the Army's proposed Letter of Offer and Acceptance to Singapore, Transmittal No. 16-81, pursuant to Sec. 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

790. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting two notifications of designation of acting officer and discontinuation of service in acting role, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

791. A letter from the Chief Human Resources Office and Executive Vice President, United States Postal Service, transmitting the Service's FY 2016 No FEAR Act report, pursuant to 5 U.S.C. 2301 note; Public Law 107-174, 203(a) (as amended by Public Law 109-435, Sec. 604(f)); (120 Stat. 3242); to the Committee on Oversight and Government Reform.

792. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area [Docket No.: 150916863-6211-02] (RIN: 0648-XE867) received March 13, 2017,

pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

793. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office for International Affairs and Seafood Inspection, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Affairs; High Seas Fishing Compliance Act; Permitting and Monitoring of U.S. High Seas Fishing Vessels [Docket No.: 070516126-5907-04] (RIN: 0648-AV12) received March 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

794. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office for International Affairs and Seafood Inspection, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act; Seafood Import Monitoring Program [Docket No.: 150507434-6638-02] (RIN: 0648-BF09) received March 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

795. A letter from the Deputy Assistant Administrator For Regulatory Programs, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Removal of the Puget Sound/Georgia Basin Distinct Population Segment of Canary Rockfish From the Federal List of Threatened and Endangered Species and Removal of Designated Critical Habitat, and Update and Amendment to the Listing Descriptions for the Yelloweye Rockfish DPS and Bocaccio DPS [Docket No.: 160524463-7001-02] (RIN: 0648-XE657) received March 9, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

796. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the annual report entitled, ''PRO IP Act FY 2016'', pursuant to 42 U.S.C. 3713d(a); Public Law 110-403, Sec. 404(a); (122 Stat. 4274); to the Committee on the Judiciary.

797. A letter from the Secretary, Bureau of Competition, Federal Trade Commission, transmitting the Commission's notice — Revised Jurisdictional Thresholds for Section 7A of the Clayton Act, 15 U.S.C. Sec. 18a, received March 9, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

798. A letter from the Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Adjustment of Civil Penalties (RIN: 1212-AB33) received March 9, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

799. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Operational Equipment Test; Bellingham Bay; Bellingham, WA [Docket No.: USCG-2016-0084] (RIN: 1625-AA00) received March 9, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

800. A letter from the Acting Administrator, TSA, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at Joe Foss Field Sioux Falls Regional Airport (FSD) will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers, pursuant to 49 U.S.C. 44920(d)(1); Public Law 107-71, Sec. 108(a); (115 Stat. 613); to the Committee on Homeland Security.

801. A letter from the Acting Secretary of the Army, Department of Defense, transmitting a copy of the memorandum entitled ''Construction of the Dakota Access Pipeline''; jointly to the Committees on Transportation and Infrastructure, Natural Resources, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCCAUL: Committee on Homeland Security. H.R. 1302. A bill to require an exercise related to terrorist and foreign fighter travel, and for other purposes (Rept. 115–40). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 1297. A bill to amend the Homeland Security Act of 2002 to make technical corrections to the requirement that the Secretary of Homeland Security submit quadrennial homeland security reviews, and for other purposes (Rept. 115–41). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 1238. A bill to amend the Homeland Security Act of 2002 to make the Assistant Secretary of Homeland Security for Health Affairs responsible for coordinating the efforts of the Department of Homeland Security related to food, agriculture, and veterinary defense against terrorism, and for other purposes (Rept. 115–42, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committees on Energy and Commerce and Agriculture discharged from further consideration. H.R. 1238 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. JOHNSON of Georgia (for himself, Mr. SCOTT of Virginia, Ms. SPEIER, Ms. NORTON, Mr. RUSH, Mr. SERRANO, Mr. HASTINGS, Mr. EVANS, Ms. MOORE, Ms. SLAUGHTER, Mr. GRIJALVA, Mr. RASKIN, Mr. BLUMENAUER, Mr. COHEN, Mr. NADLER, Ms. JAYAPAL, Mr. TAKANO, Ms. VELÁZQUEZ, Mr. AMASH, Mr. MCCLINTOCK, and Ms. CLARK of Massachusetts):

H.R. 1556. A bill to amend title 10, United States Code, to direct the Secretary of Defense to make certain limitations on the transfer of personal property to Federal and State agencies, and for other purposes; to the Committee on Armed Services.

By Mr. KNIGHT (for himself, Ms. JUDY CHU of California, Mr. SCHIFF, and Mr. SHERMAN):

H.R. 1557. A bill to withdraw certain lands in Los Angeles County, California, from entry, appropriation, or disposal under the public land laws, and for other purposes; to the Committee on Natural Resources.

By Mr. ROYCE of California (for himself and Mr. BLUMENAUER):

H.R. 1558. A bill to amend the National Flood Insurance Act of 1968 to ensure community accountability for areas repetitively damaged by floods, and for other purposes; to the Committee on Financial Services.

By Mr. SENSENBRENNER (for himself, Mr. YOUNG of Alaska, Ms. PINGREE, and Mr. GARAMENDI):

H.R. 1559. A bill to amend the State Department Basic Authorities Act of 1956 to establish a United States Ambassador at Large for Arctic Affairs, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GOSAR (for himself, Mr. BEYER, Mrs. COMSTOCK, Mr. SUOZZI, Ms. MCSALLY, and Mr. SCHNEIDER):

H.R. 1560. A bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter; to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. BLUMENAUER, Mr. RASKIN, Mr. SOTO, Ms. MCCOLLUM, and Mr. COHEN):

H.R. 1561. A bill to prohibit any hiring freeze from affecting the National Institutes of Health and the Centers for Disease Control; to the Committee on Oversight and Government Reform.

By Mr. POCAN (for himself, Mr. ELLISON, and Mr. JOHNSON of Georgia):

H.R. 1562. A bill to amend the Help America Vote Act of 2002 to improve the security of the information technology used to administer voter registration procedures and elections for Federal office, to promote the accuracy and integrity of the results of such elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KATKO (for himself, Mr. COLLINS of New York, Mr. DONOVAN, Mr. GARAMENDI, Mr. GRIJALVA, Mr. JEFFRIES, Mr. KING of New York, Mr. LIPINSKI, Ms. MCCOLLUM, Mr. WALZ, Ms. VELÁZQUEZ, Mr. ZELDIN, Mr. CONNOLLY, Ms. NORTON, Mrs. COMSTOCK, Mr. UPTON, Mr. DENT, Mr. REED, Mr. POCAN, Ms. STEFANIK, Mr. SMITH of New Jersey, Mr. SOTO, and Mr. KILMER):

H.R. 1563. A bill to amend the Public Health Service Act to provide for the establishment of a mesothelioma patient registry, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BERGMAN:

H.R. 1564. A bill to amend section 504 of the Veterans' Benefits Improvements Act of 1996 to specify the funding source for travel related to examinations by physicians not employed by the Department of Veterans Affairs regarding medical disabilities of applicants for benefits under title 38, United States Code, to codify section 504 of the Veterans' Benefits Improvements Act of 1996, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BARR (for himself, Mr. CUELLAR, Mr. ROE of Tennessee, Mr. PALAZZO, Mr. PITTENGER, Mr. ALLEN, Mr. ROUZER, Mr. MOOLENAAR, Mr.

SMITH of Texas, Mr. DUNN, Mr. AUSTIN SCOTT of Georgia, Mr. STEWART, and Mr. CARTER of Georgia):

H.R. 1565. A bill to provide for the creation of a safe harbor for defendants in medical malpractice actions who demonstrate adherence to clinical practice guidelines; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEYER (for himself, Mrs. DINGELL, Mr. CICILLINE, Mr. JOHNSON of Georgia, Mr. TONKO, Mr. KIND, Mr. TED LIEU of California, Mr. CÁRDENAS, Mr. BUTTERFIELD, Ms. SCHAKOWSKY, Mr. KEATING, Ms. NORTON, and Mr. JEFFRIES):

H.R. 1566. A bill to provide incentives for hate crime reporting, grants for State-run hate crime hotlines, a Federal private right of action for victims of hate crimes, and additional penalties for individuals convicted under the Matthew Shephard and James Byrd, Jr. Hate Crimes Prevention Act; to the Committee on the Judiciary.

By Mr. CUELLAR:

H.R. 1567. A bill to promote economic partnership and cooperation between the United States and Mexico; to the Committee on Foreign Affairs.

By Mr. DUNCAN of Tennessee (for himself, Mr. RODNEY DAVIS of Illinois, Mr. ROUZER, and Mr. PAULSEN):

H.R. 1568. A bill to enhance interstate commerce by creating a national hiring standard for motor carriers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FOSTER:

H.R. 1569. A bill to prioritize funding for an expanded and sustained national investment in basic science research; to the Committee on the Budget, and in addition to the Committees on Science, Space, and Technology, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS (for himself, Mr. RICHMOND, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BUTTERFIELD, Ms. NORTON, Mr. COHEN, Ms. LEE, Ms. JACKSON LEE, Mr. MCGOVERN, Ms. PLASKETT, Ms. BASS, Mr. BROWN of Maryland, Mr. LEWIS of Georgia, Mr. SERRANO, and Mr. RUSH):

H.R. 1570. A bill to provide for the establishment of a global affairs strategy and assistance for people of African descent, and for other purposes; to the Committee on Foreign Affairs.

By Ms. HERRERA BEUTLER (for herself and Mr. HIGGINS of New York):

H.R. 1571. A bill to provide first responders with planning, training, and equipment capabilities for crude oil-by-rail and ethanol-by-rail derailment and incident response, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. HUDSON (for himself and Mr. MULLIN):

H.R. 1572. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide for the consideration by State regulatory authorities and nonregulated electric utilities of whether subsidies should be provided for the deployment, construction, maintenance, or operation of a customer-side technology; to the Committee on Energy and Commerce.

By Mr. HUIZENGA:

H.R. 1573. A bill to oppose International Monetary Fund participation in foreign-led agreements, reduce moral hazard, and for other purposes; to the Committee on Financial Services.

By Mr. BEN RAY LUJÁN of New Mexico:

H.R. 1574. A bill to amend the Communications Act of 1934 to clarify that the Federal Communications Commission may not take action against a broadcast licensee or any other person on the basis of viewpoint, to clarify that the President may not direct an agency to take such an action, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MACARTHUR:

H.R. 1575. A bill to amend the Internal Revenue Code of 1986 to expand the family members with respect to whom treatment for alcohol and drug addiction is treated as a qualified medical expense for purposes of health reimbursement arrangements, health flexible spending arrangements, and health savings accounts; to the Committee on Ways and Means.

By Ms. MATSUI:

H.R. 1576. A bill to direct the Secretary of Commerce to establish a job-training grant program for workers displaced by automation and to establish an Innovation Corps to enable recent college graduates to volunteer in job-training programs for workers displaced by automation, and for other purposes; to the Committee on Education and the Workforce.

By Ms. MCSALLY (for herself, Mr. GOSAR, and Mr. FRANKS of Arizona):

H.R. 1577. A bill to require the Secretary of the Interior submit a report to Congress evaluating the Capital Investment Strategy and its results, and for other purposes; to the Committee on Natural Resources.

By Mr. PAYNE (for himself, Mr. DENT, Mrs. BEATTY, Ms. NORTON, Ms. MOORE, Mr. COHEN, Mr. GARAMENDI, Ms. MCCOLLUM, Mr. LEWIS of Georgia, Mr. DESAULNIER, Ms. KELLY of Illinois, Ms. PLASKETT, Ms. JACKSON LEE, Mr. LOBIONDO, and Mr. PERRY):

H.R. 1578. A bill to amend title XVIII of the Social Security Act to provide coverage under the Medicare program for FDA-approved qualifying colorectal cancer screening blood-based tests, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERS (for himself, Mr. PALLONE, and Mr. TONKO):

H.R. 1579. A bill to require drinking water systems to assess and address their vulnerabilities to climate change, source water degradation, and intentional acts to ensure security and resiliency; to the Committee on Energy and Commerce.

By Mr. QUIGLEY (for himself, Mr. UPTON, Ms. SLAUGHTER, Ms. KAPTUR, Mr. JOYCE of Ohio, Mr. HUIZENGA, Mr. KILDEE, Mr. LANGEVIN, Mrs. DINGELL, Mr. LEVIN, and Mr. HIGGINS of New York):

H.R. 1580. A bill to authorize the Director of the United States Geological Survey to conduct monitoring, assessment, science, and research, in support of the binational fisheries within the Great Lakes Basin, and for other purposes; to the Committee on Natural Resources.

By Mr. RUIZ:

H.R. 1581. A bill to amend the Communications Act of 1934 to add access to telecommunications and information services in Indian country and areas with high populations of Indian people to the universal service principle relating to access to such services in rural, insular, and high cost areas; to the Committee on Energy and Commerce.

By Mr. RUSSELL (for himself, Mr. JONES, Mr. FLEISCHMANN, Mr. WALZ, Mr. COLE, Mr. KILMER, Mr. KNIGHT, Mrs. HARTZLER, Mr. FRANKS of Arizona, Mr. KELLY of Mississippi, Mr. MARSHALL, and Mr. COLLINS of New York):

H.R. 1582. A bill to require the Secretary of Treasury to mint coins in commemoration of the 100 year anniversary of the 1st Infantry Division; to the Committee on Financial Services.

By Ms. SÁNCHEZ (for herself, Mr. HIGGINS of New York, Ms. KAPTUR, Ms. MOORE, Ms. LEE, Mr. CONYERS, Mr. POCAN, Ms. NORTON, Mr. COHEN, Ms. SCHAKOWSKY, Ms. SHEA-PORTER, Mrs. NAPOLITANO, Mrs. DINGELL, Mr. SCOTT of Virginia, Mr. KHANNA, Mrs. BEATTY, and Mr. CÁRDENAS):

H.R. 1583. A bill to amend title II of the Social Security Act to improve social security benefits for widows and widowers in two-income households; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself, Mr. BEYER, Mr. CICILLINE, Ms. CLARK of Massachusetts, Mr. CONNOLLY, Ms. DELAURO, Ms. DELBENE, Mr. HECK, Mr. HUFFMAN, Mr. KILMER, Mr. LARSEN of Washington, Ms. LEE, Ms. MOORE, Mr. POLIS, Mr. SMITH of Washington, and Ms. SPEIER):

H.R. 1584. A bill to amend the Marine Mammal Protection Act of 1972 to prohibit the taking, importation, and exportation of Orcas and Orca products for public display, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHWEIKERT (for himself, Ms. SINEMA, Mr. ROYCE of California, Mr. HILL, Mrs. CAROLYN B. MALONEY of New York, Mr. YOHO, Mr. LAMALFA, Mr. HULTGREN, Mr. GOTTHEIMER, Mr. DAVIDSON, and Mr. POLIS):

H.R. 1585. A bill to amend the Securities Act of 1933 to codify certain qualifications of individuals as accredited investors for purposes of the securities laws; to the Committee on Financial Services.

By Mr. SERRANO:

H.R. 1586. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that liquid over-the-counter medications are packaged with appropriate dosage delivery devices and, in the case of such medications labeled for pediatric use, appropriate flow restrictors, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER (for herself, Ms. DELAURO, Mr. CICILLINE, Mr. CONNOLLY, Mr. DEFAZIO, Mr. DEUTCH, Mr. LANGEVIN, Mr. TED LIEU of California, Mr. LOWENTHAL, Ms. MCCOLLUM, Mr. MOULTON, Mrs. NAPOLITANO, Ms. NORTON, Ms. SPEIER, Ms. TSONGAS, Mr. YARMUTH, Mr. JEFFRIES, and Ms. SHEA-PORTER):

H.R. 1587. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antimicrobials used in the treatment of human and animal diseases; to the Committee on Energy and Commerce.

By Ms. SPEIER (for herself, Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Mrs. DAVIS of California, Ms. GABBARD, Mr. HIMES, Ms. KUSTER of New Hampshire, Ms. NORTON, Ms. ROSEN, Ms. SHEA-PORTER, Mr. WALZ, Mr. COSTELLO of Pennsylvania, Mr. O'HALLERAN, and Ms. FRANKEL of Florida):

H.R. 1588. A bill to amend the Uniform Code of Military Justice to prohibit the nonconsensual distribution of private sexual images; to the Committee on Armed Services.

By Mr. THOMPSON of California (for himself and Ms. ESHOO):

H.R. 1589. A bill to amend the Internal Revenue Code of 1986 to adjust the phaseout of the health insurance tax credit for geographic variations in the cost-of-living; to the Committee on Ways and Means.

By Mrs. TORRES (for herself, Ms. NORTON, Mr. SOTO, Mr. SWALWELL of California, and Mr. CARSON of Indiana):

H.R. 1590. A bill to require the Small Business Administration to make information relating to lenders making covered loans publicly available, and for other purposes; to the Committee on Small Business.

By Mr. WELCH:

H.R. 1591. A bill to direct the Federal Communications Commission to adopt rules and conduct outreach to offer recipients of assistance under the Lifeline Assistance Program mobile devices that are capable of receiving a WiFi signal and are capable of tethering with other WiFi compatible hardware or devices, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YOHO:

H.R. 1592. A bill to remove penalties for health insurers under the Patient Protection and Affordable Care Act and Health Care and Education Reconciliation Act of 2010; to the Committee on Energy and Commerce.

By Ms. SHEA-PORTER (for herself, Mr. BEYER, Mr. GARAMENDI, Mr. HASTINGS, Mr. RASKIN, Mr. WELCH, and Mr. SOTO):

H.J. Res. 90. A joint resolution proposing an amendment to the Constitution of the United States to clarify the authority of Congress and the States to regulate the expenditure of funds for political activity by corporations; to the Committee on the Judiciary.

By Mr. TAYLOR (for himself and Mr. RUPPERSBERGER):

H. Res. 200. A resolution expressing the sense of the House of Representatives that the United States should develop and adopt a comprehensive cybersecurity policy; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. DEUTCH, Mr. ROYCE of California, Mr. ENGEL, Mr. DUNCAN of South Carolina, and Mr. SIRES):

H. Res. 201. A resolution expressing support to the Government of Argentina for its investigation into the terrorist bombing of the Embassy of Israel in Buenos Aires on March 17, 1992; to the Committee on Foreign Affairs.

By Mr. DELANEY (for himself, Mr. COFFMAN, Mrs. DAVIS of California, Mrs. WAGNER, Mr. COLE, Mr. MOULTON, Mrs. HARTZLER, Mr. RUPPERSBERGER, Mr. YOHO, Mr. CARTWRIGHT, Mr. LAMALFA, Mr. CARSON of Indiana, Mr. LANCE, Ms. KAPTUR, Mr. MOOLENAAR, Mrs. TORRES, Mr. HARRIS, and Mr. PETERS):

H. Res. 202. A resolution reaffirming the commitment of the United States to the North Atlantic Treaty Organization (NATO); to the Committee on Foreign Affairs.

By Mr. QUIGLEY (for himself, Ms. KAPTUR, Mr. NADLER, Mrs. NAPOLITANO, Ms. SPEIER, Ms. MOORE, and Mr. SWALWELL of California):

H. Res. 203. A resolution of inquiry requesting the President, and directing the Attorney General, to transmit, respectively, certain documents to the House of Representatives relating to certain communications by the President of the United States; to the Committee on the Judiciary.

By Mr. BLUMENAUER (for himself, Mrs. MCMORRIS RODGERS, Ms. NORTON, Mr. TED LIEU of California, Mr. SESSIONS, and Mr. SMITH of Washington):

H. Res. 204. A resolution declaring support for Brain Awareness Week; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California:

H. Res. 205. A resolution expressing the sense of the House of Representatives with respect to ensuring that women's health care under current law is preserved; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

6. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to House Resolution 17-1005, stating the Colorado continues to be a state where all individuals' health remains a top priority, and Coloradans resist attempts to undermine the right to access reproductive health care; to the Committee on Energy and Commerce.

7. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No.: 21, to encourage the President and Congress of the United States, the Michigan Department of Natural Resources, the United States Army Corps of Engineers, the United States Fish and Wildlife Service, and other Agencies to continue efforts to prevent the introduction of new aquatic species into the Great Lakes from the Chicago area waterway system and to consider new research and technologies; jointly to the Committees on Natural Resources and Transportation and Infrastructure.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. JOHNSON of Georgia:

H.R. 1556.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 (Clauses 1, 14, and 18), which grants Congress the power to provide for the common Defense and general Welfare of the United States; to make rules for the Government and Regulation of the land and naval Forces; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. KNIGHT:

H.R. 1557.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3

By Mr. ROYCE of California:

H.R. 1558.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 3 of the U.S. Constitution to regulate commerce.

By Mr. SENSENBRENNER:

H.R. 1559.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. GOSAR:

H.R. 1560.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Ms. VELÁZQUEZ:

H.R. 1561.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .

Article I, Section 8, Clause 3

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. POCAN:

H.R. 1562.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution of the United States, which states:

The Congress shall have the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Mr. KATKO:

H.R. 1563.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. BERGMAN:

H.R. 1564.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8 of the U.S. Constitution

By Mr. BARR:

H.R. 1565.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

Article III, Section 1.

Article III, Section 2, Clause 1.

By Mr. BEYER:

H.R. 1566.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the US Constitution

By Mr. CUELLAR:

H.R. 1567.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: The Congress shall have power . . . to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. DUNCAN of Tennessee:

H.R. 1568.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. FOSTER:

H.R. 1569.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mr. HASTINGS:

H.R. 1570.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. HERRERA BEUTLER:

H.R. 1571.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. HUDSON:

H.R. 1572.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Mr. HUIZENGA:

H.R. 1573.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, that no money shall be drawn from the Treasury but in consequence of Appropriations made by Law, and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be made from time to time.

By Mr. BEN RAY LUJÁN of New Mexico:

H.R. 1574.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. MACARTHUR:

H.R. 1575.

Congress has the power to enact this legislation pursuant to the following:

Section I, Article 8 of the United States Constitutions, which provides that:

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general welfare of the United States.

By Ms. MATSUI:

H.R. 1576.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Ms. MCSALLY:

H.R. 1577.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and General Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Article IV, Section 3, Clause 2: The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. PAYNE:

H.R. 1578.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 3—Congress has the ability to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. PETERS:

H.R. 1579.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. QUIGLEY:

H.R. 1580.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution

By Mr. RUIZ:

H.R. 1581.

Congress has the power to enact this legislation pursuant to the following:

clause 18 of section 8 of article I of the Constitution

By Mr. RUSSELL:

H.R. 1582.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 5: ''To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;''

By Ms. SÁNCHEZ:

H.R. 1583.

Congress has the power to enact this legislation pursuant to the following:

Article One, section 8, clause 18:

Congress shall have Power—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof.

By Mr. SCHIFF:

H.R. 1584.

Congress has the power to enact this legislation pursuant to the following:

The Orca Responsibility Care and Advancement Act is constitutionally authorized under Article I, Section 8, Clause 3, ''the Commerce Clause'' and Article I, Section 8, Clause 18, ''the Necessary and Proper Clause.'' Additionally, the Preamble to the Constitution provides support of the authority to enact legislation to promote the General Welfare.

By Mr. SCHWEIKERT:

H.R. 1585.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SERRANO:

H.R. 1586.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Ms. SLAUGHTER:

H.R. 1587.

Congress has the power to enact this legislation pursuant to the following:

Aritcle I Section 8

By Ms. SPEIER:

H.R. 1588.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Mr. THOMPSON of California:

H.R. 1589.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Sec 1

By Mrs. TORRES:

H.R. 1590.

Congress has the power to enact this legislation pursuant to the following:

Article 1: Section 8: Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. WELCH:

H.R. 1591.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof..

By Mr. YOHO:

H.R. 1592.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Ms. SHEA-PORTER:

H.J. Res. 90.

Congress has the power to enact this legislation pursuant to the following:

Article V authorizes Congress, whenever two-thirds of both houses ''deem it necessary,'' to propose amendments to the Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. SANFORD.

H.R. 36: Mr. HULTGREN and Mr. FLEISCHMANN.

H.R. 44: Mr. BARTON, Mr. RICHMOND, and Mr. CARTER of Georgia.

H.R. 103: Mr. POCAN.

H.R. 179: Ms. SEWELL of Alabama, Mr. BUCSHON, Mr. POCAN, Mr. THOMPSON of Mississippi, Mr. JOHNSON of Georgia, Mr. SHUSTER, and Mr. CARTWRIGHT.

H.R. 184: Mr. BERGMAN.

H.R. 233: Mr. MCEACHIN and Mr. PERLMUTTER.

H.R. 257: Mr. GAETZ.

H.R. 275: Mr. YOHO.

H.R. 299: Mr. MARSHALL, Mr. SMITH of Missouri, Mr. SABLAN, Mr. RODNEY DAVIS of Illinois, and Mr. TAYLOR.

H.R. 350: Mrs. HARTZLER, Ms. TENNEY, and Mr. ALLEN.

H.R. 355: Mr. BISHOP of Michigan.

H.R. 367: Mr. DUNCAN of Tennessee, Mr. BISHOP of Michigan, and Mr. CUELLAR.

H.R. 389: Mr. POCAN.

H.R. 400: Mr. DUNCAN of Tennessee.

H.R. 449: Mr. MULLIN.

H.R. 490: Mr. CHABOT.

H.R. 496: Mr. FASO and Mr. PANETTA.

H.R. 520: Mr. JOHNSON of Ohio, Mr. SESSIONS, and Mr. BISHOP of Michigan.

H.R. 548: Mr. JENKINS of West Virginia, Mr. BURGESS, Mr. BISHOP of Michigan, and Mr. MURPHY of Pennsylvania.

H.R. 565: Mr. HARRIS.

H.R. 639: Mr. UPTON.

H.R. 674: Mr. DUNN.

H.R. 676: Ms. ESHOO, Mr. HIGGINS of New York, Ms. BONAMICI, and Mr. MEEKS.

H.R. 691: Mr. DESANTIS.

H.R. 695: Mrs. MURPHY of Florida and Mr. PALAZZO.

H.R. 750: Mr. KELLY of Pennsylvania.

H.R. 769: Mr. GAETZ.

H.R. 772: Mr. RUSSELL.

H.R. 788: Mr. BACON and Mr. EMMER.

H.R. 795: Mr. PALLONE, Mr. DESAULNIER, and Mr. POE of Texas.

H.R. 801: Mr. AGUILAR.

H.R. 804: Ms. BARRAGÁN, Ms. ESTY, Mr. KRISHNAMOORTHI, and Mr. MCEACHIN.

H.R. 816: Mr. HUFFMAN.

H.R. 817: Mr. RASKIN.

H.R. 820: Mr. LUETKEMEYER, Mr. GALLEGO, Mr. CÁRDENAS, Ms. TITUS, Ms. KELLY of Illinois, Mr. SMITH of Washington, and Mr. KILDEE.

H.R. 823: Mr. MOULTON and Mr. RASKIN.

H.R. 842: Mr. BRAT.

H.R. 849: Mr. MASSIE, Ms. ROSEN, Mr. COSTELLO of Pennsylvania, and Mr. FORTENBERRY.

H.R. 850: Mr. GROTHMAN.

H.R. 873: Mr. LOUDERMILK.

H.R. 904: Mr. ENGEL.

H.R. 918: Mr. KENNEDY.

H.R. 919: Mr. SWALWELL of California.

H.R. 927: Mrs. BROOKS of Indiana, Ms. TITUS, Ms. SPEIER, and Mrs. BUSTOS.

H.R. 947: Mr. MICHAEL F. DOYLE of Pennsylvania.

H.R. 967: Ms. JENKINS of Kansas and Mrs. CAROLYN B. MALONEY of New York.

H.R. 976: Mr. CRIST.

H.R. 1005: Ms. KAPTUR, Ms. HANABUSA, Mr. SERRANO, Ms. STEFANIK, and Ms. TENNEY.

H.R. 1007: Mr. FARENTHOLD.

H.R. 1017: Ms. ROS-LEHTINEN, Mr. JENKINS of West Virginia, Mr. SWALWELL of California, and Mr. SMITH of Washington.

H.R. 1046: Mr. WALBERG and Mr. BISHOP of Michigan.

H.R. 1054: Mrs. CAROLYN B. MALONEY of New York, Ms. SHEA-PORTER, Mr. HUFFMAN, Ms. BROWNLEY of California, and Mr. MAST.

H.R. 1059: Mr. KELLY of Pennsylvania, Mr. ROSKAM, Mr. LEVIN, Mr. QUIGLEY, Ms. PINGREE, Ms. LEE, Mrs. MURPHY of Florida, Mrs. TORRES, and Mr. BERA.

H.R. 1090: Mr. MURPHY of Pennsylvania, Mr. HUFFMAN, Mr. DUNCAN of South Carolina, Mr. SCHNEIDER, Ms. DELBENE, Mr. DENHAM, and Mr. BRADY of Pennsylvania.

H.R. 1094: Mr. BRENDAN F. BOYLE of Pennsylvania.

H.R. 1101: Mr. MCCAUL, Mr. BILIRAKIS, Mr. SMUCKER, Mr. BARLETTA, Mr. TROTT, and Mr. CRAMER.

H.R. 1102: Mr. DESAULNIER.

H.R. 1114: Mr. HASTINGS.

H.R. 1116: Mr. POLIQUIN, Mr. LUCAS, and Mr. SANFORD.

H.R. 1120: Mr. EVANS, Mrs. MURPHY of Florida, and Ms. NORTON.

H.R. 1136: Mr. BRAT and Mr. SMITH of Nebraska.

H.R. 1155: Mr. GALLAGHER.

H.R. 1163: Mr. BOST.

H.R. 1164: Mr. KUSTOFF of Tennessee.

H.R. 1192: Mr. JODY B. HICE of Georgia.

H.R. 1196: Mr. POE of Texas.

H.R. 1205: Mr. SCOTT of Virginia and Mr. DESAULNIER.

H.R. 1212: Mr. BILIRAKIS and Mr. COFFMAN.

H.R. 1215: Mr. FLORES.

H.R. 1219: Mr. SHERMAN.

H.R. 1223: Mr. MULLIN and Mr. NORCROSS.

H.R. 1235: Mr. LAHOOD, Ms. PLASKETT, Ms. JENKINS of Kansas, Mr. MOOLENAAR, Mr. RYAN of Ohio, Ms. WILSON of Florida, Mr. MCKINLEY, Mr. HIMES, Mr. WELCH, Mr. SCOTT of Virginia, Mr. ROGERS of Kentucky, Mr. AMODEI, and Mr. LEWIS of Georgia.

H.R. 1242: Mr. PETERS.

H.R. 1253: Mr. SWALWELL of California.

H.R. 1295: Mr. POE of Texas.

H.R. 1304: Mr. FLORES.

H.R. 1307: Ms. SHEA-PORTER.

H.R. 1310: Mr. LEWIS of Georgia, Mr. VELA, and Mr. CLEAVER.

H.R. 1316: Mr. LANGEVIN.

H.R. 1317: Ms. STEFANIK.

H.R. 1318: Ms. MOORE and Mr. DOGGETT.

H.R. 1339: Mr. BROOKS of Alabama.

H.R. 1356: Mr. HECK.

H.R. 1358: Mr. EVANS, Ms. FUDGE, and Mr. SIRES.

H.R. 1361: Mr. JONES and Mr. NUNES.

H.R. 1393: Mr. GROTHMAN.

H.R. 1407: Mr. JONES.

H.R. 1422: Mr. LOUDERMILK and Mr. PALAZZO.

H.R. 1439: Mr. TED LIEU of California.

H.R. 1440: Mr. TED LIEU of California.

H.R. 1444: Mr. GROTHMAN.

H.R. 1452: Mr. TED LIEU of California.

H.R. 1458: Mr. TED LIEU of California.

H.R. 1468: Mr. TAYLOR.

H.R. 1494: Mrs. NAPOLITANO, Mr. SMITH of Washington, Mr. YARMUTH, Mr. ROTHFUS, Mr. GUTIÉRREZ, Mr. SHERMAN, Mr. WELCH, Ms. MATSUI, Mr. WALZ, Ms. HERRERA BEUTLER, Mr. YODER, Mrs. COMSTOCK, Mr. KELLY of Pennsylvania, Mr. HUFFMAN, Mr. GARAMENDI, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Ms. LEE, Ms. TITUS, Mr. QUIGLEY, Ms. KAPTUR, Mr. LIPINSKI, Ms. SINEMA, Mr. CALVERT, Mr. DAVID SCOTT of Georgia, Ms. ROYBAL-ALLARD, Mr. KILDEE, Ms. TSONGAS, Mr. ELLISON, Mr. MOULTON, Ms. DELBENE, Mr. ENGEL, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. HECK, Mr. BUTTERFIELD, Mr. JONES, Mr. SCHRADER, Mr. SCHIFF, Mr. DENHAM, and Mr. MICHAEL F. DOYLE of Pennsylvania.

H.R. 1513: Mrs. BLACK, Mr. CURBELO of Florida, Mr. KELLY of Pennsylvania, Mr. MEEHAN, Mr. PITTENGER, Mr. LAMALFA, Ms. SINEMA, Mr. JOYCE of Ohio, Ms. SEWELL of Alabama, Mr. POSEY, Mr. COSTELLO of Pennsylvania, Mr. LATTA, Ms. JENKINS of Kansas, Ms. SÁNCHEZ, Mr. TIBERI, Mr. SMITH of Missouri, Mr. MARCHANT, Mr. CHABOT, and Mr. GROTHMAN.

H.R. 1549: Mr. VARGAS.

H.J. Res. 31: Ms. BROWNLEY of California.

H.J. Res. 51: Ms. ROSEN.

H.J. Res. 59: Mrs. HARTZLER.

H.J. Res. 85: Mr. MAST.

H. Con. Res. 10: Mr. HOLDING.

H. Con. Res. 20: Mr. KING of New York.

H. Res. 28: Mr. SARBANES, Mr. TED LIEU of California, Mr. AMODEI, Mr. CURBELO of Florida, Mr. PRICE of North Carolina, Mr. NORCROSS, and Mr. GALLEGO.

H. Res. 31: Ms. FUDGE, Mr. AMODEI, and Mr. VEASEY.

H. Res. 132: Mr. GARAMENDI.

H. Res. 135: Mr. COSTELLO of Pennsylvania.

H. Res. 136: Mr. LEVIN.

H. Res. 162: Mr. LEVIN.

H. Res. 172: Ms. SLAUGHTER, Mr. GRIJALVA, Mr. FORTENBERRY, Mr. ENGEL, Mr. SCHNEIDER, and Mr. KENNEDY.

H. Res. 184: Mr. SARBANES, Mr. FOSTER, Mr. MEEKS, Mr. KEATING, Ms. JAYAPAL, Mr. SWALWELL of California, Mr. QUIGLEY, Mr. CONNOLLY, Mr. THOMPSON of Mississippi, Mr. MOULTON, and Mr. DANNY K. DAVIS of Illinois.

H. Res. 186: Mrs. CAROLYN B. MALONEY of New York, Ms. JUDY CHU of California, Ms. SHEA-PORTER, Mr. GRIJALVA, Mr. MCGOVERN, Mr. SIRES, Mr. BRADY of Pennsylvania, Ms. SCHAKOWSKY, Ms. LEE, Mr. RUPPERSBERGER, Mr. KHANNA, Mr. HIMES, Mr. BEYER, Mr. ENGEL, Mr. PANETTA, Mr. HASTINGS, Mr. SHERMAN, Mr. SMITH of Washington, Ms. DEGETTE, Mr. CRIST, Ms. TSONGAS, Ms. MCCOLLUM, Mr. CICILLINE, Mr. HUFFMAN, Mr. QUIGLEY, Mr. LANGEVIN, Mr. RUSH, and Mr. LEVIN.

H. Res. 188: Mr. LAMALFA.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

22. The SPEAKER presented a petition of The Alleghany County, VA, Board of Supervisors, relative to Resolution R-17-17, urging all United States Senators and all Members of the House of Representatives to reintroduce and pass the Marketplace Fairness Act; to the Committee on the Judiciary.

23. Also, a petition of the Council of the Town of South Boston, VA, relative to a Resolution in support of the Marketplace Fairness Act; to the Committee on the Judiciary.

24. Also, a petition of the Nelson County, VA, Board of Supervisors, relative to Resolution R2017-07, urging the United States Congress to enact the Marketplace Fairness Act or other such legislation; to the Committee on the Judiciary.

25. Also, a petition of the Student Body of Eastern Michigan University, relative to a Resolution in support for and to urge Congressional Representatives to pass the Bridge Act that is before the 115th Congress; to the Committee on the Judiciary.

26. Also, a petition of the City Council of Carencro, LA, relative to Resolution 2017-006, urging Congress to pass destination rate-based legislation that would give states the option to collect from remote online retailers the same tax that local brick-and-mortar merchants currently collect; to the Committee on the Judiciary.

27. Also, a petition of Pascua Yaqui Tribe, Arizona, relative to Resolution No. C02-35-17, supporting the Indian Health Care Improvement Act and Indian-related provisions of the Affordable Care Act; jointly to the Committees on Natural Resources, Energy and Commerce, Ways and Means, and the Budget.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163 WASHINGTON, THURSDAY, MARCH 16, 2017 No. 46

Senate

The Senate met at 11:30 and 1 seconds a.m., and was called to order by the Honorable JAMES LANKFORD, a Senator from the State of Oklahoma.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 16, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JAMES LANKFORD, a Senator from the State of Oklahoma, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. LANKFORD thereupon assumed the Chair as Acting President pro tempore.

ADJOURNMENT UNTIL MONDAY, MARCH 20, 2017, AT 10 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 10 a.m., on Monday, March 20, 2017.

Thereupon, the Senate, at 11:30 and 32 seconds a.m., adjourned until Monday, March 20, 2017, at 10 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

EXTENSIONS OF REMARKS

IN RECOGNITION OF CARL SWOPE, 2017 TIME DEALER OF THE YEAR

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. GUTHRIE. Mr. Speaker, I rise today to honor a constituent of mine who was recently awarded one of the highest honors in his industry. Mr. Carl Swope, owner of Swope Toyota located in Elizabethtown, Kentucky, in my Congressional District, was named the 2017 TIME Dealer of the Year. The TIME Dealer of the Year award is one of the automobile industry's most prestigious and highly coveted honors.

After graduating from Indiana University, Mr. Swope began working at his father's car dealerships. In 1986, Mr. Swope purchased his first dealership, a single store with 50 employees. Today, Mr. Swope oversees six dealerships representing nine brands in Elizabethtown and Radcliff, Kentucky, and employing over 300 associates.

Mr. Swope is an active participant in the Elizabethtown community. He currently serves as a member of the Hardin County Chamber of Commerce, the Knox Regional Development Board, the Lincoln Heritage Council for the Boy Scouts of America, the Elizabethtown Tourism Commission, the Elizabethtown Airport Board, and the Hardin Memorial Health Foundation Board. He also established a local affiliate for Habitat for Humanity and remains an active part of the organization.

On behalf of all the constituents of Kentucky's 2nd Congressional District, I congratulate Mr. Carl Swope on being named the 2017 TIME Dealer of the Year. I wish him and the Swope family all the best.

BIRTHDAY PROCLAMATION FOR ANIKA AND PRIAM ZELA

HON. DAVID SCHWEIKERT

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. SCHWEIKERT. Mr. Speaker, I include in the RECORD the following proclamation:

Whereas, Anika and Priam Zela, twin sister and brother, will be honored by their parents, nona, family and friends on the occasion of their 1st Birthday on March 18th, 2017; and

Whereas, Anika and Priam Zela were born in Phoenix, Arizona on March 16th, 2016, at 12:45 p.m. and 12:36 p.m., respectively, blessing their parents and their family, and have been residents of Scottsdale, Arizona since then; and

Whereas, March has been a blessed month for Anika and Priam, as their parents first met on March 3rd, 2007, the wedding of their parents was held on March 20th, 2011 and they came to this life on March 16th, 2016; whereas March marks the beginning of Spring, where the grips of winter are just beginning to lose their hold as a new season of life begins too; whereas March was the beginning of a New Year and is still celebrated as such in many cultures and religions; whereas March marks the Vernal Equinox where northern and southern hemispheres are equally illuminated and day and night are of equal duration all over the earth symbolizing a twin approach; whereas March marks the International Day of Happiness exactly to the day their parents wedded and Equinox happens, as well as marks the World Mathematics Day; whereas March's birthstones are aquamarine and bloodstone that both symbolize courage; whereas March is named after Mars, the god of war, fertility and agriculture who oversaw the new growth of Spring, and encouraged the continuation of life; whereas the personality of March (and Mars) is charging, unrelinquishing and brutally assertive as, at this point in the year, there is no stopping the burgeoning birth of new life; whereas March (and Mars) is a high-speed locomotive on a single-focused monorail with only one objective: Explosive Expression; whereas March meaning embodies the reigniting of the hearts and consciousness of humankind, a time when we feel the initial kicks of Spring from the deepest womb of the Mother Earth; and, like our ancestors, we are quickened, our soul-palettes are whetted for new conquest and bold assertion and we set a course for forward-momentum; and

Whereas 2016 (MMXVI) was a leap year starting on Friday of the Gregorian calendar, the 2016th year of the Common Era; and

Whereas 2016 was a very eventful year, designated as the International Year of Global Understanding, where ESA and Roscosmos launched the joint ExoMars Trace Gas Orbiter on a mission to Mars; where Gotthard Base Tunnel, the world's longest and deepest railway tunnel, was opened; where NASA's Juno spacecraft entered orbit around Jupiter and NASA launched OSIRIS–REx, its first asteroid sample return mission; where the final videocassette recorder was manufactured by the Japanese company Funai; where the Solar Impulse 2 became the first solar-powered aircraft to circumnavigate the Earth, and where Summer Olympics were held in Rio de Janeiro, Brazil; and

Whereas, March 16 is the 75th day of the year (76th in leap years) in the Gregorian calendar and there are 290 days remaining until the end of the year; and

Whereas, March 16 is the birthday of James Madison, Jr., the Founding Father and fourth President of the United States and who is hailed as the Father of our Constitution and the Bill of Rights, as well as is the birthday of Georg Ohm, one the most famous physicists and mathematicians; and

Whereas, their parents, family and society expect them to live long and productive lives and be a force for good, justice and progress for those around them, the country and the world; and

Now, Therefore, it is hereby deemed a pleasure to extend this Certificate of Recognition to Anika & Priam Zela on the occasion of their 1st Birthday, with sincere congratulations and best wishes for a long, happy and successful life, wishing them that, with courage, knowledge, love and a spirit of discovery, there would be no limit to the heights they can reach, keeping their eyes on the stars, and their feet on the ground.

PERSONAL EXPLANATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. HIGGINS. Mr. Speaker, on March 15, 2017, I was unable to be present for the recorded votes on roll call no. 159, 160, and 161. Had I been present, I would have voted as follows:

YEA on H.R. 132, the Arbuckle Project Maintenance Complex and District Office Conveyance Act of 2017, YEA on H.R. 648, a bill to authorize the Secretary of the Interior to amend the Definite Plan Report for the Seedskadee Project to enable the use of the active capacity of the Fontenelle Reservoir, and, NAY on the Motion to Table the Appeal of the Ruling of the Chair.

RECOGNIZING ENDOMETRIOSIS AWARENESS MONTH

HON. BARRY LOUDERMILK

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. LOUDERMILK. Mr. Speaker, March is Endometriosis Awareness Month, where we recognize the impact this disease has on the quality of life for women throughout our country. The lack of awareness about endometriosis creates an environment that delays treatment and grows the cost of care.

This condition, in which the tissue that forms the lining of the uterus is found in areas outside the endometrium, causes severe pain in the body. Endometriosis occurs in about one in ten women of reproductive age, and is most often diagnosed in women in their 30s or 40s. This disease can be treated with medication, surgery, or sometimes both.

Roughly five million women in the United States suffer with endometriosis, costing an estimated $119 billion annually. It can take more than nine years, from the onset of symptoms and visits to specialists, for women to receive a diagnosis of endometriosis; and women with endometriosis are 1.35 times more likely to need surgery or stenting to open blocked arteries.

The general lack of awareness about this disease can contribute to the unnecessary suffering of patients and the rising public costs of this disorder. We must help to bring awareness of endometriosis in order to foster the

health and well-being of women across America.

HONORING ROTARY DISTRICT 7150 OF CENTRAL NEW YORK

HON. JOHN KATKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. KATKO. Mr. Speaker, I rise today in honor of Rotary District 7150 of Central New York as it hosts Rotary International President-Elect Ian Riseley of Australia.

This weekend, Rotary International President-Elect Riseley will address incoming club presidents at the Multi-District President-Elect Training Seminar and People of Action Dinner in my district in Syracuse, New York. I am proud to see local members of Rotary District 7150 of Central New York honored during this, the centennial of the Rotary International Foundation.

Rotary International is home to more than 35,000 clubs worldwide, including 43 clubs in District 7150 of Central New York. The Rotary's mission of ''service above self'' is exemplified in our local Rotary Clubs' work assisting veterans in need, recognizing the hard work and success of high school students, restoring our prized parks and waterways, and partnering with local food pantries to reduce hunger throughout the 24th District.

With over 1,200 Rotary members locally, Central New York is a better place because of the work these individuals do for our community. I applaud the members of Rotary District 7150 of Central New York for their service, fellowship, and passion.

PERSONAL EXPLANATION

HON. BILL JOHNSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. JOHNSON of Ohio. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted NAY on Roll Call No. 155.

PERSONAL EXPLANATION

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. McCAUL. Mr. Speaker, on March 15, 2017, I missed the voting session. If present, I would have voted as follows:

YES—H.R. 132—Arbuckle Project Maintenance Complex and District Office Conveyance Act of 2017

YES—H.R. 648—To authorize the Secretary of the Interior to amend the Definite Plan Report for the Seedskadee Project to enable the use of the active capacity of the Fontenelle Reservoir

YES—Motion to Table the Appeal of the Ruling of the Chair

RECOGNIZING THE 50TH ANNIVERSARY OF THE MISSOURI WHITEWATER CHAMPIONSHIPS

HON. JASON SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor the Missouri Whitewater Championships celebrating their 50th year March 17 through 19, 2017. The races are held at the Millstream Gardens Conservation Area of the Saint Francis River near Fredericktown, Missouri.

The Championships continue a tradition begun in 1968, when the first Saint Francis River Whitewater Slalom Race was held. Since then, the event has expanded its scope and attracts beginners and seasoned competitors from other states and countries. Even Olympic-class paddlers have used this race as training preparation for future Olympic Games.

The event first begun by the Meramec River Canoe Club is now hosted by the Missouri Whitewater Association. It comes together as 100 volunteers set up the race course, provide safety, judge, time, and score the participants while hundreds of spectators cheer.

For providing sportsmen with the thrill of competition on the Saint Francis River for half a century and enhancing tourism for Madison and surrounding counties through its annual Whitewater Championships, I am happy to congratulate the Missouri Whitewater Association today before the United States House of Representatives.

HONORING THE LIFE OF NILS MICHAEL DECKER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. COSTA. Mr. Speaker, I rise today to honor the life and career of Mr. Nils Michael ''Mike'' Decker of Fresno. Mike Decker passed away on Tuesday, February 14, 2017 in Fresno, California.

Mike was a wonderful, kind man and a dedicated educator. Mike was born in Mt. Clemens, Michigan. His career in education began at St Alphonso's School in Fresno, California followed by Orange Center School in Fresno.

Mike then served 25 years as Principal and Superintendent at Laton Unified School District in Fresno County. In addition, Mike also served on my State Assembly Staff as District Director.

In addition to his friends and family, Mike was adored by his students. Mike positively influenced the lives of thousands of children with this commitment to education and he helped many young people reach for the stars.

Nils Michael Decker is survived by his wife of 52 years, Diana Decker, his son, Timothy J. Decker, his son, Scott A. Decker and his wife, Maria and his daughter, Katherine Decker. He is also survived by his grandchildren, Michael Hill, Jadyn Garrett, Nicholas Decker and his great granddaughter, Neelia Grace Hill.

Mike's sister, Margo Bellman and his brother Gordon Decker both of Michigan also survive him.

I ask my colleagues to join me today in honoring the life and career of Nils Michael Decker, a hero to his family, a wonderful role model for educators and exemplary father, grandfather, great grandfather and friend.

INTRODUCING THE AFRICAN DESCENT AFFAIRS ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. HASTINGS. Mr. Speaker, I rise today to note my introduction of the African Descent Affairs Act, as we continue to highlight the International Decade for People of African Descent.

We have seen a sharp increase in racism, anti-Semitism, xenophobia, homophobia and other forms of discrimination across the world over the last year. Human rights violations emanating from racial prejudice and discrimination have negatively impacted people of African descent around the world, resulting in racial bias and disparities in education, employment, health, housing, justice, and other sectors. We must act now to reverse these disturbing trends. The International Decade for People of African Descent provides an opportunity to not only draw attention to these inequities, but to also join efforts with countries around the globe to develop and implement national strategies honoring the vast contributions of people of African descent and to combat continuing issues of prejudice and discrimination such as those currently gripping our nation.

To aid these efforts, I have introduced the African Descent Affairs Act. The Act seeks to improve the situation of people of African descent around the world by establishing within our State Department a Global Office of African Descent Affairs to establish global foreign policy and assistance strategies for people of African descent; creating a ''Fund'' to support antidiscrimination and empowerment efforts by African descent led civil society organizations; and requiring Annual State Department Human Rights Reports to include a section on discrimination faced by people of African descent. I believe that U.S. foreign policy strategies such as these have improved the situation of vulnerable groups internationally and would greatly assist in responding to increasing levels of prejudice and discrimination faced by people of African descent around the globe.

The State Department has already launched many successful initiatives that have aided vulnerable populations, such as the Office of Global Women's Issues, the Special Envoy to Monitor and Combat Anti-Semitism, the Special Advisor for International Disability Rights, the Special Representative to Muslim Communities, and the LGBT Global Equality Fund. Implementing a Global Office of African Descent Affairs will continue this tradition and facilitate the full and equal participation of people of African descent in society, promote knowledge of and respect for the diverse heritage, culture and contributions of people of African descent, and strengthen and implement legal frameworks that combat racial discrimination.

Mr. Speaker, I sincerely hope that my colleagues will embrace the challenge of combating prejudice and discrimination across the

world. I encourage them to join me in recognizing the collective history and achievements made by people of African descent by supporting the African Descent Affairs Act.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed Roll Call vote numbers 159, 160, and 161. Had I been present, I would have voted Aye on roll call numbers 159, 160 and nay on roll call vote 161.

IN RECOGNITION OF THE BARNS AT HAMILTON STATION VINEYARDS

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise today to celebrate and commend my constituents, Andrew and Maryann Fialdini, and their winery, the Barns at Hamilton Station Vineyards, on receiving the Governor's Cup in the 2017 Governor's Cup Wine Competition. This win not only speaks to the hard work, entrepreneurship and expertise of Andrew and Maryann, but also the growing and transforming Loudoun County wine industry.

Since opening 8 years ago, their hard work has certainly come to fruition. Andrew, Maryann, and the vineyard's Wine Maker, Michael Shaps, have worked diligently to produce local, yet authentic-tasting, French-style wines on their eleven acre vineyard located in Hamilton, Virginia. And this year, two of their wines, the 2014 Meritage and 2014 Cabernet Sauvignon, were named gold medalists in the Governor's Cup Wine Competition.

The judges of this year's competition reviewed 494 bottles from 102 different wineries, and only 23 bottles were named gold medalists. Impressively of those 23 bottles, Andrew and Maryann's 2014 Cabernet Sauvignon was named the best wine and awarded the Governor's Cup—a recognition that a Loudoun winery has never before received in the 37 years of this stringent and prestigious competition.

Risk-taking small businesses have always been the life blood of the Loudoun County economy and our national economy and entrepreneurial families like the Fialdini's have been leaders in fostering strong, local economies that will continue to thrive and grow for years to come.

Mr. Speaker, I ask my colleagues to join me in applauding Andrew and Maryann Fialdini and Michael Shaps for their successful small business and their special awards at the 2017 Governor's Cup Wine Competition. I also wish them and their family the best in all of their future endeavors.

HONORING THE SERVICE OF CHARLES HUNNICUTT

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. COSTA. Mr. Speaker, I rise today to recognize Mr. Charles Hunnicutt for his outstanding work and to congratulate him on his retirement after 45 years of dedicated public service.

Charles began his career with the United States Air Force, honorably serving his country from June 1972 to June 1976. He was then hired to work for the Internal Revenue Service (IRS) as a Criminal Investigations and Collections Officer from 1976 to 1987.

In 1988, Charles joined the Fresno County Department of Social Services and remained there until 2005. That same year, he was offered the position as Fresno County Veterans Service Officer. In 2010, Charles was asked to also serve as the Madera County Veterans Service Officer. Charles has remained with both counties and has served Fresno County Veterans and Madera County Veterans with great passion and honor.

It is with great pleasure that I applaud Charles Hunnicutt for his many years of tireless work on behalf of veterans and our community. His ongoing dedication to public service is extremely commendable.

Mr. Speaker, it should be noted that in addition to his countless gifts to veterans and our community, Charles has been a true champion for my constituents where he serves on my 16th District Veterans Advisory Board and has assisted my staff with service academy nominations. In my office, a majority of our constituent casework involves assisting veterans. These are sensitive cases that can sometimes take a great deal of time to resolve. Charles is someone that my staff and I can always count on to work together on behalf of veterans.

I have personally worked with Charles for over 13 years in my capacity as a Member of Congress and I can proudly call him my friend. In his capacity as Veterans Service Officer, Charles is always available to discuss cases and work together on issues of concern. I ask my colleagues to join me today in recognizing the commitment, dedication and success of Charles Hunnicutt and wish him well as he embarks on new endeavors.

BRAIN AWARENESS WEEK

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. BLUMENAUER. Mr. Speaker, this week commemorates Brain Awareness Week, which presents an important opportunity to educate lawmakers, students, and the broader public about brain science, and its many impacts and benefits. This is critical when you consider that brain disorders and diseases affect the lives of nearly 100 million Americans—from Alzheimer's to ALS to mental illness.

Neurological and neurodegenerative disorders are among the leading causes of disability in the United States and around the world—greater than heart disease and cancer put together. As society ages, this number will increase exponentially as will the cost to the healthcare system and to the economy. Yet, the underlying causes of most neurological diseases remain unknown.

Neuroscience is the next great frontier. Research and work being done in this field needs to be front and center in both the private world and Congress.

The bipartisan Congressional Neuroscience Caucus' mission is to build awareness of the intrinsic role brain research plays in understanding ourselves and our society. As the Co-Founder and Co-Chair, I am committed to working on these important issues and hope my colleagues will join our efforts as members of the Congressional Neuroscience Caucus.

MR. JOSEPH ROBERGE

HON. LEE M. ZELDIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. ZELDIN. Mr. Speaker, I rise today to honor Joseph Philip Roberge. Immediately following his graduation from High School in 1942, Joseph enlisted in the U.S. Army Air Corps and became a Navigator on a B–17 bomber with the 398th Bomb Group located at Nuthampstead Air Base in England.

Joseph flew 35 missions over Europe, including being part of air support at Omaha Beach on D–Day. Throughout his time in service, he earned the Distinguished Flying Cross, European Theater of Operations Ribbon, two Bronze Stars, and Air Medal with 3 Oak Leaf Clusters.

Our country owes a debt of gratitude to Joseph for his selfless actions taken to protect his homeland. It is important we honor these types of individuals as best we can and I hope that many will follow in his footsteps and give back to our country as graciously as he did. People like him are a rare breed and they help make not only our country, but our world a much safer and better place.

PERSONAL EXPLANATION

HON. STEVE RUSSELL

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. RUSSELL. Mr. Speaker, due to travel delays caused by Winter Storm Stella, I was unable to attend votes.

Had I been present, I would have voted YEA on Roll Call No. 159, YEA on Roll Call No. 160, and YEA on Roll Call No. 161.

TRAVELING WALL THAT HEALS IN MENA, ARKANSAS

HON. BRUCE WESTERMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. WESTERMAN. Mr. Speaker, I rise today to recognize the opening ceremonies of the Traveling Wall That Heals in Mena, Arkansas.

The Traveling Wall is a replica of the Vietnam Memorial in Washington and brings the names of the fallen to cities across our great nation. According to Mena VFW Post 4451 Commander Linda Johnson, ''Bringing the Wall to communities across the country spreads its healing legacy to millions.''

I want to thank Commander Johnson, members of VFW Post 4451, and the citizens of Mena for their leadership in bringing this important piece of history to the Fourth Congressional District of Arkansas. May the lives of those killed during the Vietnam War never be forgotten.

HONORING THE LIFETIME ACHIEVEMENTS OF MR. JIM PARDINI

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. COSTA. Mr. Speaker, I rise today to honor my dear friend, Jim Pardini of Pardini's Banquet and Catering for being awarded the Lifetime Achievement Award by the Central California Restaurant Association—Fresno Chapter. For the past thirty-six years, Pardini's Banquet and Catering has dedicated their facility to providing the utmost exquisite food service to all in the community. Jim is a pillar in the Central Valley, known not only for his success as a restaurateur, but also for his generous and giving spirit.

Jim was born to Albert and Mary Jane Pardini in Santa Cruz, California. The Pardinis would make Fresno their home in 1952. Jim graduated from San Joaquin Memorial High School in 1964 and went on to earn his Bachelor's degree in Social Science from Fresno State in 1968. Following in the hard working footsteps of his father, Jim carried on the family restaurant business started in 1948 by Al. By 1981, Jim and his wife Marie opened Pardini's Banquet and Catering and went on to acquire a Rubio's and four Tony Roma restaurants. Over time, Pardini's Catering has become the well-respected caterer of the Big Fresno Fair, the Fresno Convention Center and Fresno State's Bulldog Stadium.

To further his statewide impact in the restaurant industry, Jim helped to create the restaurant Political Action Committee. Then, as the president of the California Restaurant Association, he aided in developing the Grassroots Program. Jim's accomplishments created new ways for restaurant owners to truly connect with law makers in California.

In addition to his impact on the restaurant industry, Jim has dedicated his time to philanthropy work within the community. He is a longtime supporter of the Big Brothers Big Sisters Program and the Boys and Girls Club. In addition, he was presented with the honor of the Humanitarian of the Year Award from the Muscular Dystrophy Association. With his many accomplishments thus far, Jim's success was fittingly recognized when he was inducted into the California Restaurant Association Foundation Hall of Fame. Through relentless hard work and dedication, Jim Pardini continues to leave a substantial mark in the restaurant industry and within our community.

Mr. Speaker, I ask my colleagues to join me in recognizing the lifelong achievements of Jim Pardini. I congratulate Mr. Pardini for this great achievement and ask that you join me in wishing him and his family continued success.

IN HONOR OF GARY SCHNIEDERS

HON. ROD BLUM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. BLUM. Mr. Speaker, I rise today to honor a remarkable teacher and citizen from Waterloo, Iowa. Mr. Gary Schnieders has taught History, Social Studies, and Economics at Waterloo Columbus Catholic High School for 39 years. Over those 39 years, Mr. Schnieders has made an enormous impact on the lives of his students and members of the community.

Mr. Schnieders's devotion goes beyond the classroom with his annual trip to the hallowed ground of Europe's battlefields. This trip is no European vacation. Students walk the trenches of the Western Front and explore battlefields with a twelve-mile hike one day and twenty-mile bike ride another day. Prior to their departure, students are given reading assignments and must complete a 20-page essay. While in Europe, the students have nightly homework assignments. This annual trip is highly anticipated and one that many Waterloo Columbus students work toward their entire high school career.

The itinerary also includes visits to several American cemeteries and memorials honoring our fallen heroes, and a wreath-laying ceremony at the Meuse-Argonne American Cemetery. On the final day, the students visit the Normandy American Cemetery and Memorial where they clean the grave markers, plant an American flag, and lay a rose on the grave of every Iowan. At the end of the day, students lay their final wreath of the trip at Normandy as Taps sounds in the background.

Upon their return to Iowa, the students give presentations to their families, fellow students, and residents of Waterloo and Cedar Falls, with a special invitation extended to the local Veteran community.

Over the past 39 years, Mr. Schnieders has shown his students what cannot be taught in a classroom—the meaning of sacrifice and love of country. Today, we honor his devotion that extends far beyond the classroom and helps to ensure the preservation of American values for generations to come.

TRIBUTE TO ROBERT ANDEWEG

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Robert Andeweg of Urbandale, Iowa, for being named the 2017 Forty under 40 Alumnus of the Year.

Since 2000, Business Record has undertaken an exhaustive annual review to identify a standout group of young leaders in the Greater Des Moines Area that are making an impact in their communities and their careers. Each year, forty up-and-coming community and business leaders under 40 years of age are selected for this prestigious honor based on a combined criteria of community involvement and success in their chosen career field. Robert was a member of the 2002 class and has not only continued being an active member of his community but he has expanded upon it since being honored in 2002.

Robert is known for being a leader within his community, which is why in 2005 he was elected Mayor of the City of Urbandale. He has been committed to overseeing the economic growth and development of Des Moines' largest suburb. When Robert isn't busy leading his community, he works as a lawyer at Nyemaster Goode P.C. He also works to improve his community by dedicating his time and serving on the Greater Des Moines Partnership Board, the Greater Des Moines Convention and Visitors Bureau, the Bravo Greater Des Moines Board and the Metropolitan Advisory Council.

Mr. Speaker, it is a profound honor to represent leaders like Robert in the United States Congress and it is with great pride that I recognize and applaud him for utilizing his talents to better both his community and the great state of Iowa. I ask that my colleagues in the United States House of Representatives join me in congratulating Robert on receiving this outstanding award and wishing him nothing but continued success.

PERSONAL EXPLANATION

HON. BRENDA L. LAWRENCE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mrs. LAWRENCE. Mr. Speaker, unfortunately, on March 10, 2017, I was not able to cast my vote on final passage of H.R. 720. Had I been in attendance, I would have voted NO on H.R. 720—Lawsuit Abuse Reduction Act of 2017.

PERSONAL EXPLANATION

HON. ANTHONY G. BROWN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. BROWN of Maryland. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted YEA on Roll Call No. 159, YEA on Roll Call No. 160, and YEA on Roll Call No. 161.

IN RECOGNITION OF MR. BRETT FRENCH

HON. JACK BERGMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. BERGMAN. Mr. Speaker, it's an honor to recognize Mr. Brett French as this year's individual recipient of the Distinguished Service Award (DSA). The Lake Superior Community Partnership's Distinguished Service Award is extended to businesses and individuals who support economic development in Marquette County.

After earning bachelor's and master's degrees from Central Michigan University, French served as a public policy and environmental consultant before settling in Ishpeming and beginning his career with American Transmission Co. (ATC), a high-voltage electric transmission system company. As the external affairs manager for ATC, French contributes to Marquette County's development by streamlining and enhancing access to affordable electricity for hundreds of communities across Michigan's Upper Peninsula. Having been with ATC for 16 years now, French is responsible for developing, coordinating, and managing relationships between ATC and the Michigan-based customers and stakeholders who make ATC's work possible.

French participates in numerous community development organizations and remains devoted to improving American infrastructure and the quality of life in the Upper Peninsula. His commitment to economic development is exemplified through his service with Marquette County's Economic Development Corp., Dickinson Economic Development Alliance, and Operation Action U.P., where he works to identify and address regional opportunities that advance economic development in our state's most rural areas. French also understands the importance of learning the skills needed to succeed in today's economy. In conjunction with the Midwest Skills Development Center Advisory Board and NICE Community Schools, he has provided the guidance to equip the next generation of great leaders with the skills they need to succeed. French's commitment to his profession, community, and neighbors has been essential to his success, and I am confident that he will continue to inspire others in the community to take an active role in improving the quality of life in the Upper Peninsula.

Mr. Speaker, French's accomplishments in service to the Upper Peninsula cannot be understated, and his family and community can take pride in knowing that Northern Michigan is a better place thanks to his work. On behalf of Michigan's First Congressional District, I congratulate Mr. Brett French and wish him well as he continues to make a difference in the lives of others.

TRIBUTE TO CHRIS COFFELT

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Chris Coffelt, Superintendent of Central Decatur Community School District, for being named one of Education Week's 2017 ''Leaders to Learn from.''

Each year, Education Week searches across the country for some of the most innovative and forward thinking educators our schools have to offer. Chris certainly fits that mold. His tireless dedication to educational excellence has given rise to a new culture of student growth and success in the Central Decatur Community School District.

Prior to Chris's arrival, the school district had a difficult time retaining high-quality teachers for extended periods of time, which contributed to lower student achievement. Since taking over, Chris has made Central Decatur a destination for some of Iowa's best teachers. His innovative programs have helped turn the school district around and for the first time in years they are seeing student tests scores grow in a number of key areas. Chris' ability to empower teachers in his district has brought about a new level of success for not only his teachers, but the students as well.

Mr. Speaker, it is a profound honor to represent leaders like Chris in the United States Congress and it is with great pride that I recognize and applaud him for utilizing his talents to better his students, teachers, community and the great state of Iowa. I ask that my colleagues in the United States House of Representatives join me in congratulating Chris on receiving this outstanding recognition and wishing him nothing but continued success.

HONORING THE LIFE OF CARMEN DELGADO VOTAW

HON. JAMIE RASKIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Mr. RASKIN. Mr. Speaker, I rise today to honor and commemorate the remarkable life of Carmen Delgado Votaw, one of my constituents who passed away on February 18, 2017 at the age of 82. Ms. Votaw was a civil and human rights giant and passionate participant in the global women's rights activist community.

Ms. Votaw, who was born in Yabucoa, Puerto Rico, spent her career acting upon a vision of empowerment and inclusion for all women, especially in Latin America. She was a born community organizer, using immense tact, intellect, and grace to educate and enlighten others in order to open up cultural and political avenues for the advancement of women. Due to her years of work and advocacy in Latin America, she is credited with an increase in the number of countries that have signed the U.N. Convention on the Elimination of Discrimination Against Women; a greater number of women in political and appointed offices; improved access to technology for rural women; and a higher literacy rate among women and girls.

Ms. Votaw received on multiple occasions presidential appointments in recognition of her outstanding abilities, including being appointed as Deputy Chair to the National Advisory Committee for Women. She served as Chief of Staff to Jaime Fuster of Puerto Rico in the House of Representatives, marking the first time a Hispanic woman had held that title. She was a founding member and President of the National Conference of Puerto Rican Women and a board member of the Congressional Hispanic Caucus Institute. Ms. Votaw traveled around the globe to promote her agenda of civil and human rights. She visited 70 countries to participate in and speak at women's rights forums, including five United Nations World Conferences on Women. She is a published author, most notably having written the biographies of other distinguished Puerto Rican woman.

Among the organizations that have honored Ms. Votaw for her contributions to women's rights are the U.S. Marshals Service, the Instituto de Puerto Rico of New York, the National Institute for Women of Color, Hispanic USA Magazine, Federally Employed Women (FEW), and the National Conference of Puerto Rican Women. She has received the Hispanic Heritage Award for Education, a Civil Rights Award from NASA, MANA's Las Primeras Award, the National Cuban American Women's Association Award, and the National Council of Hispanic Women's Outstanding Achievement Award. She was inducted into the Maryland Women's Hall of Fame.

Even with her chock-full schedule of global engagement and leadership, Ms. Votaw was deeply devoted to her family and to her role as a grandmother. Please join me in extending condolences to her family and expressing gratitude for her life of dedication to helping all people find their voices. She made tangible contributions to the civil and human rights movements, the effects of which will be felt for generations to come.

COMMEMORATING THE 20TH ANNIVERSARY OF CAMP FIRE'S ABSOLUTELY INCREDIBLE KID DAY

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2017

Ms. JACKSON LEE. Mr. Speaker, I rise to commemorate the 20th year of Camp Fire's Absolutely Incredible Kid Day, which observed the third Thursday in March and is devoted to sending uplifting messages to the youth in their lives.

Founded in 1910, by Luther Gulick, M.D., and his wife, Charlotte Gulick, Camp Fire is a leading national youth development organization that guides ''young people on their journey to self-discovery.''

As founder and Co-Chair of the Congressional Children's caucus, I understand the importance of encouraging and supporting our youth to grow and thrive in this world.

Camp Fire's Absolutely Incredible Kid Day honors our nation's youth by asking adults to write letters of encouragement and inspiration to the incredible kids in their lives.

This is a simple and impactful way to let the youth know how much people care and support them.

There are numerous ways for adults to participate in this call to action including using social media to tag, tweet, post, and write letters of love and support to kids.

The campaign has received the critical acclaim of child and family care experts, award winning authors, noted psychologists, and adults and kids everywhere, including Dr. Stephen R. Covey, author of The 7 Habits of Highly Effective Families; Tipper Gore, who is a leading child advocate; and the famous Astronaut, the late U.S. Senator John Glenn.

Celebrities such as Oprah Winfrey, Jim Carrey, and Cindy Crawford have also given their support to Absolutely Incredible Kid Day.

In Houston, Texas we know that it truly takes an entire community to raise a child.

Houston has a distinct history of uplifting the youth in our community so they can excel in any area they choose.

A few examples of Houstonians who have benefited from community support are: the entertaining Beyoncé Knowles Carter; the hilarious Jim Parsons, from the Big Bang Theory;

the talented actor Isaiah. Washington, from Grey's Anatomy; and Simone Biles, who set the record for the most gold medals in women's gymnastics at a single Olympic games.

I rise to reaffirm my support for our youth and commend the Camp Fire organization on their Absolutely Incredible Kid Day initiative which reminds adults to let children know that they are loved and supported by their families and members of their community.

Daily Digest

Senate

Chamber Action

The Senate met at 11:30:01 a.m. in pro forma session, and adjourned at 11:30:32 a.m., until 10 a.m., on Monday, March 20, 2017.

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 37 public bills, H.R. 1556–1592; and 7 resolutions, H.J. Res. 90; and H. Res. 200–205 were introduced. **Pages H2147–49**

Additional Cosponsors: **Pages H2150–51**

Reports Filed: Reports were filed today as follows:

H.R. 1302, to require an exercise related to terrorist and foreign fighter travel, and for other purposes (H. Rept. 115–40);

H.R. 1297, to amend the Homeland Security Act of 2002 to make technical corrections to the requirement that the Secretary of Homeland Security submit quadrennial homeland security reviews, and for other purposes (H. Rept. 115–41); and

H.R. 1238, to amend the Homeland Security Act of 2002 to make the Assistant Secretary of Homeland Security for Health Affairs responsible for coordinating the efforts of the Department of Homeland Security related to food, agriculture, and veterinary defense against terrorism, and for other purposes (H. Rept. 115–42, Part 1). **Page H2147**

Recess: The House recessed at 10:47 a.m. and reconvened at 12 noon. **Page H2090**

Guest Chaplain: The prayer was offered by the Guest Chaplain, Rev. Dr. Andrew Chaney, First and Calvary Presbyterian Church, Springfield, Missouri. **Page H2090**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 243 yeas to 165 nays with 1 answering ''present'', Roll No. 164. **Page H2090, H2102**

Recess: The House recessed at 1:30 p.m. and reconvened at 1:35 p.m. **Page H2100**

VA Accountability First Act of 2017: The House passed H.R. 1259, 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, by a recorded vote of 237 ayes to 178 noes, Roll No. 168. **Pages H2114–35**

Rejected the Kihuen motion to recommit the bill to the Committee on Veterans' Affairs with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 189 ayes to 229 noes, Roll No. 167. **Pages H2133–35**

Pursuant to the Rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115–7 shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H2122**

Agreed to:

Roe (TN) amendment (No. 1 printed in part A of H. Rept. 115–39) that inserts ''to or'' after the word ''paid'' on page 20, line 15; **Page H2125**

Kuster amendment (No. 4 printed in part A of H. Rept. 115–39) that includes as prohibited personnel practices as described in the whistleblower protection subsection of section 3 with those defined in 38 USC 733(c); **Pages H2127–28**

Taylor amendment (No. 6 printed in part A of H. Rept. 115–39) that requires the Veterans Administration to provide a semi-annual report to the House and Senate Committees on Veterans Affairs outlining all instances of Senior Executives who are detailed to a new position within the agency; the report will

contain details on the purpose of the reassignment as well as the costs associated with the reassignment; **Page H2128**

Tenney amendment (No. 7 printed in part A of H. Rept. 115–39) that requires that bonuses awarded to senior-level executives within the Department of Veterans Affairs be reported to Congress on an annual basis; and **Pages H2128–29**

Kuster amendment (No. 8 printed in part A of H. Rept. 115–39) that requires VA supervisors to develop performance plans for employees, to include steps taken to address poor performance; it would also improve training for supervisors. **Pages H2129–30**

Rejected:

Walz amendment (No. 2 printed in part A of H. Rept. 115–39) that sought to grant the VA Secretary improved authorities to hold VA senior executives and employees accountable, protects employees' constitutionally guaranteed due process rights, and protects employees' collective bargaining rights under federal law (by a recorded vote of 194 ayes to 223 noes, Roll No. 165); and **Pages H2125–27, H2132**

Takano substitute amendment (No. 9 printed in part A of H. Rept. 115–39) that sought to provide for the suspension and removal of VA employees for performance or misconduct that is a threat to public health and safety in place of the proposed removal process (by a recorded vote of 183 ayes to 232 noes, Roll No. 166). **Pages H2130–32, H2132–33**

H. Res. 198, the rule providing for consideration of the bills (H.R. 1259), (H.R. 1367), and (H.R. 1181) was agreed to by a recorded vote of 229 ayes to 187 noes, Roll No. 163, after the previous question was ordered by a yea-and-nay vote of 227 yeas to 185 nays, Roll No. 162.

Pages H2094–H2100, H2100–02

Veterans 2nd Amendment Protection Act: The House passed H.R. 1181, to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes, by a yea-and-nay vote of 240 yeas to 175 nays, Roll No. 169.

Pages H2102–14, H2135–36

H. Res. 198, the rule providing for consideration of the bills (H.R. 1259), (H.R. 1367), and (H.R. 1181) was agreed to by a recorded vote of 229 ayes to 187 noes, Roll No. 163, after the previous question was ordered by a yea-and-nay vote of 227 yeas to 185 nays, Roll No. 162.

Pages H2094–H2100, H2100–02

Improving the authority of the Secretary of Veterans Affairs to hire and retain physicians and other employees of the Department of Veterans Affairs: The House considered H.R. 1367, to improve the authority of the Secretary of Veterans Affairs to hire and retain physicians and other employees of the Department of Veterans Affairs. Consideration is expected to resume tomorrow, March 17th.

Pages H2136–39

H. Res. 198, the rule providing for consideration of the bills (H.R. 1259), (H.R. 1367), and (H.R. 1181) was agreed to by a recorded vote of 229 ayes to 187 noes, Roll No. 163, after the previous question was ordered by a yea-and-nay vote of 227 yeas to 185 nays, Roll No. 162.

Pages H2094–H2100, H2100–02

Quorum Calls—Votes: Three yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H2100–01, H2101–02, H2102, H2132, H2132–33, H2134–35, H2135 and H2135–36. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:50 p.m.

Committee Meetings

THE NEXT FARM BILL: AGRICULTURAL RESEARCH

Committee on Agriculture: Subcommittee on Biotechnology, Horticulture, and Research held a hearing entitled "The Next Farm Bill: Agricultural Research". Testimony was heard from public witnesses.

THE NEXT FARM BILL: FORESTRY INITIATIVES

Committee on Agriculture: Subcommittee on Conservation and Forestry held a hearing entitled "The Next Farm Bill: Forestry Initiatives". Testimony was heard from public witnesses.

INVESTING IN THE FUTURE—EARLY CHILDHOOD EDUCATION PROGRAMS AT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies held a hearing entitled "Investing in the Future—Early Childhood Education Programs at the Department of Health and Human Services". Testimony was heard from public witnesses.

MEMBERS' DAY

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs held a hearing entitled "Members' Day". Testimony was heard from Representatives Babin, Blumenauer, Cartwright, Donovan, Engel, Espaillat, Foster, Garamendi, Griffith, Jackson Lee, Kennedy, McGovern, Schiff, and Yoho.

DEPARTMENT OF TRANSPORTATION AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies held an oversight hearing on the Department of Transportation and Department of Housing and Urban Development. Testimony was heard from David A. Montoya, Inspector General, Department of Housing and Urban Development; and Calvin L. Scovel III, Inspector General, Department of Transportation.

THE CURRENT STATE OF THE U.S. NAVY

Committee on Armed Services: Subcommittee on Readiness held a hearing entitled ''The Current State of the U.S. Navy''. Testimony was heard from the following U.S. Navy officials: Vice Admiral Philip H. Cullom, Deputy Chief of Naval Operations for Fleet Readiness and Logistics; Vice Admiral Luke M. McCollum, Chief of Naval Reserve, Navy Reserve Force; and Vice Admiral Joseph P. Mulloy, Deputy Chief of Naval Operations for Integration of Capabilities and Resources.

OVERSIGHT REVIEW OF INFRASTRUCTURE NEEDS AND PROJECTS READY FOR IMMEDIATE IMPLEMENTATION IN THE NUCLEAR SECURITY ENTERPRISE

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing entitled ''Oversight Review of Infrastructure Needs and Projects Ready for Immediate Implementation in the Nuclear Security Enterprise''. Testimony was heard from Frank Klotz, Administrator, National Nuclear Security Administration; James McConnell, Associate Administrator for Safety, Infrastructure, and Operations, National Nuclear Security Administration; Charlie McMillan, Director, Los Alamos National Laboratory; and Sean Sullivan, Chairman, Defense Nuclear Facilities Safety Board.

THE EFFECT OF SEQUESTRATION AND CONTINUING RESOLUTIONS ON ARMY MODERNIZATION AND READINESS

Committee on Armed Services: Subcommittee on Tactical Air and Land Forces held a hearing entitled ''The Effect of Sequestration and Continuing Resolutions on Army Modernization and Readiness''. Testimony was heard from Lieutenant General Joseph Anderson, Deputy Chief of Staff, Army G–3/5/7; and Lieutenant General John M. Murray, Deputy Chief of Staff, Army G–8.

MISCELLANEOUS MEASURES

Committee on the Budget: Full Committee held a markup on reconciliation submissions. The reconciliation submissions were ordered reported, without amendment.

HONORING OUR COMMITMENT TO RECOVER AND PROTECT MISSING AND EXPLOITED CHILDREN

Committee on Education and the Workforce: Full Committee held a hearing entitled ''Honoring Our Commitment to Recover and Protect Missing and Exploited Children''. Testimony was heard from public witnesses.

DISRUPTER SERIES: SMART COMMUNITIES

Committee on Energy and Commerce: Subcommittee on Digital Commerce and Consumer Protection held a hearing entitled ''Disrupter Series: Smart Communities''. Testimony was heard from Brenna Berman, Commissioner and Chief Information Officer, Chicago Department of Innovation and Technology; Kyle Chisek, Director of Bureau Relations, City of Portland, Oregon, Office of Mayor Ted Wheeler; Jennifer Gallagher, Director, Department of Public Service, City of Columbus, Ohio; Alexander Pazuchanics, Policy Advisor, Office of the Mayor, City of Pittsburgh, Pennsylvania; and public witnesses.

REINVESTMENT AND REHABILITATION OF OUR NATION'S SAFE DRINKING WATER DELIVERY SYSTEMS

Committee on Energy and Commerce: Subcommittee on Environment held a hearing entitled ''Reinvestment and Rehabilitation of Our Nation's Safe Drinking Water Delivery Systems''. Testimony was heard from public witnesses.

SOUND MONETARY POLICY

Committee on Financial Services: Subcommittee on Monetary Policy and Trade held a hearing entitled ''Sound Monetary Policy''. Testimony was heard from public witnesses.

FLOOD INSURANCE REFORM: A COMMUNITY PERSPECTIVE

Committee on Financial Services: Subcommittee on Housing and Insurance held a hearing entitled ''Flood Insurance Reform: A Community Perspective''. Testimony was heard from public witnesses.

IMMIGRATION BENEFITS VETTING: EXAMINING CRITICAL WEAKNESSES IN USCIS SYSTEMS

Committee on Homeland Security: Subcommittee on Oversight and Management Efficiency held a hearing entitled ''Immigration Benefits Vetting: Examining Critical Weaknesses in USCIS Systems''. Testimony was heard from Lori Scialabba, Acting Director, U.S.

Citizenship and Immigration Services, Department of Homeland Security; Carol Harris, Director, Information Technology Acquisition Management Issues, Government Accountability Office; and John Roth, Inspector General, Department of Homeland Security.

MISCELLANEOUS MEASURE

Committee on the Judiciary: Full Committee held a markup on S. 305, the ''Vietnam War Veterans Recognition Act of 2017''. S. 305 was ordered reported, without amendment.

BRINGING JUSTICE CLOSER TO THE PEOPLE: EXAMINING IDEAS FOR RESTRUCTURING THE 9TH CIRCUIT

Committee on the Judiciary: Subcommittee on Courts, Intellectual Property, and the Internet held a hearing entitled ''Bringing Justice Closer to the People: Examining Ideas for Restructuring the 9th Circuit''. Testimony was heard from the following officials from the United States Court of Appeals for the Ninth Circuit: Sidney Thomas, Chief Circuit Judge; Carlos Bea, Circuit Judge; Alex Kozinski, Circuit Judge; and public witnesses.

COMBATING CRIMES AGAINST CHILDREN: ASSESSING THE LEGAL LANDSCAPE

Committee on the Judiciary: Subcommittee on Crime, Terrorism, Homeland Security, and Investigations held a hearing entitled ''Combating Crimes Against Children: Assessing the Legal Landscape''. Testimony was heard from public witnesses.

IDENTIFYING INNOVATIVE INFRASTRUCTURE IDEAS FOR THE NATIONAL PARK SERVICE AND FOREST SERVICE

Committee on Natural Resources: Subcommittee on Federal Lands held a hearing entitled ''Identifying Innovative Infrastructure Ideas for the National Park Service and Forest Service''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Full Committee held a markup on H.R. 756, the ''Postal Service Reform Act of 2017''; and H.R. 760, the ''Postal Service Financial Improvement Act of 2017''. H.R. 756 and H.R. 760 were ordered reported, as amended.

CAFETERIA PLANS: A MENU OF NON-OPTIONS FOR SMALL BUSINESS OWNERS

Committee on Small Business: Subcommittee on Economic Growth, Tax, and Capital Access held a hearing entitled ''Cafeteria Plans: A Menu of Non-Options for Small Business Owners''. Testimony was heard from public witnesses.

BUILDING A 21ST CENTURY INFRASTRUCTURE FOR AMERICA: THE NATIONAL PREPAREDNESS SYSTEM

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing entitled ''Building a 21st Century Infrastructure for America: The National Preparedness System''. Testimony was heard from Tom Roberts, Assistant Sheriff, Las Vegas Metropolitan Police Department and public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 17, 2017

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Next Meeting of the SENATE

10 a.m., Monday, March 20

Senate Chamber

Program for Monday: Senate will meet in a pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, March 17

House Chamber

Program for Friday: Complete consideration of H.R. 1367—To improve the authority of the Secretary of Veterans Affairs to hire and retain physicians and other employees of the Department of Veterans Affairs, and for other purposes.

Extensions of Remarks, as inserted in this issue

HOUSE

Bergman, Jack, Mich., E336
Blum, Rod, Iowa, E336
Blumenauer, Earl, Ore., E335
Brown, Anthony G., Md., E336
Comstock, Barbara, Va., E335
Costa, Jim, Calif., E334, E335, E336
Guthrie, Brett, Ky., E333
Hastings, Alcee L., Fla., E334
Higgins, Brian, N.Y., E333
Jackson Lee, Sheila, Tex., E337
Johnson, Bill, Ohio, E334
Katko, John, N.Y., E334
Lawrence, Brenda L., Mich., E336
Loudermilk, Barry, Ga., E333
McCaul, Michael T., Tex., E334
Raskin, Jamie, Md., E337
Russell, Steve, Okla., E335
Schweikert, David, Ariz., E333
Slaughter, Louise McIntosh, N.Y., E335
Smith, Jason, Mo., E334
Westerman, Bruce, Ark., E335
Young, David, Iowa, E336, E337
Zeldin, Lee M., N.Y., E335

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through the U.S. Government Publishing Office, at *www.govinfo.gov*, free of charge to the user. The information is updated online each day the *Congressional Record* is published. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202–512–1800, or 866–512–1800 (toll-free). E-Mail, *contactcenter@gpo.gov*. ¶To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197–9000, or phone orders to 866–512–1800 (toll-free), 202–512–1800 (D.C. area), or fax to 202–512–2104. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Publishing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.