

VETERANS EXPANDED TRUCKING OPPORTUNITIES ACT
OF 2017

JUNE 23, 2017.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 2547]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2547) to expand the Department of Veterans Affairs medical professionals who may qualify to perform physical examinations on eligible veterans and issue medical certificates required for operation of a commercial motor vehicle, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans Expanded Trucking Opportunities Act of 2017”.

SEC. 2. MEDICAL CERTIFICATE FOR VETERANS OPERATING COMMERCIAL MOTOR VEHICLES.

(a) **QUALIFIED EXAMINERS.**—Section 5403(d)(2) of the FAST Act (49 U.S.C. 31149 note; 129 Stat. 1548) is amended to read as follows:

“(2) **QUALIFIED EXAMINER.**—The term ‘qualified examiner’ means an individual who—

“(A) is employed in the Department of Veterans Affairs as an advanced practice nurse, doctor of chiropractic, doctor of medicine, doctor of osteopathy, physician assistant, or other medical professional;

“(B) is licensed, certified, or registered in a State to perform physical examinations;

“(C) is familiar with the standards for, and physical requirements of, an operator required to be medically certified under section 31149 of title 49, United States Code; and

“(D) has never, with respect to such section, been found to have acted fraudulently, including by fraudulently awarding a medical certificate.”

(b) **CONFORMING AMENDMENTS.**—Section 5403 of the FAST Act (49 U.S.C. 31149 note; 129 Stat. 1548) is amended—

(1) in subsection (a)—

(A) by striking “physician-approved veteran operator,” and inserting “veteran operator approved by a qualified examiner,”; and

(B) by striking “qualified physician” and inserting “qualified examiner”;

(2) in subsection (b)(1)—

(A) by striking “the physician” and inserting “the examiner”; and

(B) by striking “qualified physician” and inserting “qualified examiner”;

(3) in subsection (c)—

(A) by striking “qualified physicians” and inserting “qualified examiners”; and

(B) by striking “such physicians” and inserting “such examiners”; and

(4) in subsection (d)(1)—

(A) in the paragraph heading by striking “PHYSICIAN-APPROVED VETERAN OPERATOR” and inserting “VETERAN OPERATOR APPROVED BY A QUALIFIED EXAMINER”; and

(B) by striking “physician-approved veteran operator” and inserting “veteran operator approved by a qualified examiner”.

(c) **RULEMAKING.**—The amendments made by this section shall be incorporated into any rulemaking proceeding related to section 5403 of the FAST Act (49 U.S.C. 31149 note; 129 Stat. 1548) that is being conducted as of the date of enactment of this Act.

PURPOSE OF LEGISLATION

H.R. 2547 expands the number of Department of Veterans Affairs (VA) medical professionals who may qualify under an alternative process to perform physical examinations on eligible veterans and issue medical certificates required for operation of a commercial motor vehicle, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Fixing America’s Surface Transportation Act (FAST Act; P.L. 114–94) created an alternative process only for VA doctors of medicine and doctors of osteopathy to qualify to perform physical examinations on eligible veterans and then issue the medical certificates required for such veterans to operate a commercial motor vehicle.

H.R. 2547 expands eligibility for the alternative process under the FAST Act to all VA medical professionals, including advanced practical nurses, doctors of chiropractic, physician assistants, and other medical professionals, provided that they are authorized by

the state in which they are licensed, certified, or registered to perform physical examinations, and that they meet other requirements.

This bill ensures that the list of eligible medical professionals within the VA matches the list of eligible medical professionals that can become certified under the traditional Federal Motor Carrier Safety Administration process.

HEARINGS

No hearings were held on H.R. 2547.

LEGISLATIVE HISTORY AND CONSIDERATION

On May 18, 2017, Congressman Rob Woodall (R-GA) and Congresswoman Julia Brownley (D-CA) introduced H.R. 2547.

On May 24, 2017, the Committee on Transportation and Infrastructure met in open session to consider H.R. 2547. Congressman Sam Graves (R-MO) offered an amendment to make a technical correction to the bill, which was adopted by a voice vote. The Committee ordered the bill, as amended, reported favorably to the House by a voice vote with a quorum present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with consideration of H.R. 2547.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 2547 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 21, 2017.

Hon. BILL SHUSTER,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2547, the Veterans Expanded Trucking Opportunities Act of 2017.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Ann E. Futrell.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 2547—Veterans Expanded Trucking Opportunities Act of 2017

H.R. 2547 would expand the types of medical professionals at the Department of Veterans Affairs (VA) who could certify that veterans meet the physical standards required to operate commercial motor vehicles. Currently at VA facilities only physicians may perform the physical examinations and issue the medical certificates required for commercial driver's licenses (CDLs). H.R. 2547 would allow advanced practical nurses, chiropractors, physician assistants, and other qualified medical professionals to perform those duties.

According to the Department of Transportation, physicians at VA have provided roughly 13,000 medical exams related to CDLs over the past two years. CBO expects that expanding the number of staff at VA who could issue the medical certificates would not lead to additional costs related to exams. Therefore, CBO estimates that implementing H.R. 2547 would cost less than \$500,000 over the 2018–2022 period to prepare regulations; any such spending would be subject to the availability of appropriated funds.

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 2547 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 2547 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Ann E. Futrell. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to ease the transition for our veterans who are reentering civilian life.

ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of con-

gressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 2547 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(i) of H. Res. 5, 115th Cong. (2017), the Committee finds that enacting H.R. 2547 does not direct the completion of a specific rule making within the meaning of section 551 of title 5, United States Code.

FEDERAL MANDATE STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 2547 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY OF LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF LEGISLATION

Section 1. Short title

Section 1 is the short title of the bill, which is the “Veterans Expanded Trucking Opportunities Act of 2017”.

Section 2. Medical certificate for veterans operating commercial motor vehicles

Section 2 enables all VA medical professionals, including advanced practice nurses, doctors of chiropractic, and physician assistants, who are eligible to receive a medical examiner certification under the traditional Federal Motor Carrier Safety Administration process, to become certified under an alternative process. This alternative process was established under the FAST Act and could only be used by doctors of medicine and doctors of osteopathy at the VA to become qualified to perform physical examinations on eligible veterans and issue the medical certificates required for such veterans to operate a commercial motor vehicle.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

FAST ACT

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**DIVISION A—SURFACE
TRANSPORTATION**

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TITLE V—MOTOR CARRIER SAFETY

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**Subtitle D—Commercial Motor Vehicle
Drivers**

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SEC. 5403. MEDICAL CERTIFICATION OF VETERANS FOR COMMERCIAL DRIVER'S LICENSES.

(a) **IN GENERAL.**—In the case of a [physician-approved veteran operator,] *veteran operator approved by a qualified examiner*, the [qualified physician] *qualified examiner* of such operator may, subject to the requirements of subsection (b), perform a medical examination and provide a medical certificate for purposes of compliance with the requirements of section 31149 of title 49, United States Code.

(b) **CERTIFICATION.**—The certification described under subsection (a) shall include—

(1) assurances that [the physician] *the examiner* performing the medical examination meets the requirements of a [qualified physician] *qualified examiner* under this section; and

(2) certification that the physical condition of the operator is adequate to enable such operator to operate a commercial motor vehicle safely.

(c) NATIONAL REGISTRY OF MEDICAL EXAMINERS.—The Secretary, in consultation with the Secretary of Veterans Affairs, shall develop a process for ~~qualified physicians~~ *qualified examiners* to perform a medical examination and provide a medical certificate under subsection (a) and include ~~such physicians~~ *such examiners* on the national registry of medical examiners established under section 31149(d) of title 49, United States Code.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) ~~PHYSICIAN-APPROVED VETERAN OPERATOR~~ *VETERAN OPERATOR APPROVED BY A QUALIFIED EXAMINER*.—The term “~~physician-approved veteran operator~~ *veteran operator approved by a qualified examiner*” means an operator of a commercial motor vehicle who—

(A) is a veteran who is enrolled in the health care system established under section 1705(a) of title 38, United States Code; and

(B) is required to have a current valid medical certificate pursuant to section 31149 of title 49, United States Code.

(2) QUALIFIED PHYSICIAN.—The term “qualified physician” means a physician who—

~~(A) is employed in the Department of Veterans Affairs;~~

~~(B) is familiar with the standards for, and physical requirements of, an operator certified pursuant to section 31149 of title 49, United States Code; and~~

~~(C) has never, with respect to such section, been found to have acted fraudulently, including by fraudulently awarding a medical certificate.]~~

(2) QUALIFIED EXAMINER.—The term “qualified examiner” means an individual who—

~~(A) is employed in the Department of Veterans Affairs as an advanced practice nurse, doctor of chiropractic, doctor of medicine, doctor of osteopathy, physician assistant, or other medical professional;~~

~~(B) is licensed, certified, or registered in a State to perform physical examinations;~~

~~(C) is familiar with the standards for, and physical requirements of, an operator required to be medically certified under section 31149 of title 49, United States Code; and~~

~~(D) has never, with respect to such section, been found to have acted fraudulently, including by fraudulently awarding a medical certificate.~~

(3) VETERAN.—The term “veteran” has the meaning given the term in section 101 of title 38, United States Code.

(e) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to change any statutory penalty associated with fraud or abuse.

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