

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A motion to reconsider was laid on the table.

PROTECTING BUSINESS OPPORTUNITIES FOR VETERANS ACT OF 2019

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Business Opportunities for Veterans Act of 2019".

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

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

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

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

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

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

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

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

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

“(3)(A) The Director of Small and Disadvantaged Business Utilization for the Department, established pursuant to section 15(k) of the Small Business Act (15 U.S.C. 644(k)), and the Chief Acquisition Officer of the Department, established pursuant to section 1702 of title 41, shall jointly implement a process using the systems described in section 16(g)(2) of the Small Business Act (15 U.S.C. 645(g)(2)), and any other relevant systems available, to monitor compliance with this subsection.

“(B) The Director of Small and Disadvantaged Business Utilization and the Chief Acquisition Officer shall jointly refer any violations or suspected violations of this subsection to the Inspector General of the Department.

“(C) If the Secretary determines, in consultation with the Inspector General of the Department, that a small business concern that is awarded a contract under this section did not act in good faith with respect to the requirements described in paragraph (1)(A), the small business concern shall be subject to any or all of the following consequences—

“(i) referral to the Debarment and Suspension Committee of the Department;

“(ii) a fine under section 16(g)(1) of the Small Business Act (15 U.S.C. 645(g)(1)); and

“(iii) prosecution for violating section 1001 of title 18.

“(D) Not later than November 30 for each of fiscal years 2021 through 2025, the Inspector General shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report for the fiscal year preceding the fiscal year during which the report is submitted that includes, for the fiscal year covered by the report—

“(i) the number of referred violations and suspected violations received under subparagraph (B); and

“(ii) the disposition of such referred violations, including the number of small business concerns suspended or debarred from Federal contracting or referred to the Attorney General for prosecution.”

(b) APPLICATION.—Subsection (k) of section 8127 of title 38, United States Code, as added by subsection (a), shall apply with respect to a contract entered into after the date of the enactment of this Act.

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

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on H.R. 561, as amended.

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

There was no objection.

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

Madam Speaker, H.R. 561, as amended, the Protecting Business Opportunities for Veterans Act of 2019, is sponsored by General BERGMAN and Congresswoman KUSTER. It establishes important oversight for VA small business contracting.

Under current law, a small business contractor cannot give a subcontractor

more than 50 percent of its contract work. The legislation requires veteran- and service-disabled veteran-owned small businesses to certify that they are performing at least half of the work. It also requires VA to refer contractors violating or suspected of violating the law to the VA Inspector General for investigation.

Madam Speaker, in addition, the legislation establishes an oversight process and penalties for fraudulently claiming to comply with the law.

Congress strongly supports creating business opportunities for veteran-owned small businesses and enforcing government contracting set-asides so that veteran-owned and service-disabled veteran-owned businesses can compete with larger government contractors.

It is unfair to veteran small business owners who play by the rules to lose out on business opportunities to bad actors who do not follow the rules and pass on most of the work to subcontractors, especially when those subcontractors are not veteran owned.

Madam Speaker, this bill is supported by the American Legion. Last Congress, the House passed identical legislation sponsored by my colleagues, General BERGMAN and Congresswoman KUSTER.

Madam Speaker, I urge my colleagues to support H.R. 561, as amended, and I reserve the balance of my time.

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

Madam Speaker, I rise today in support of H.R. 561, as amended, the Protecting Business Opportunities for Veterans Act.

H.R. 561, as amended, is contracting reform legislation sponsored by my good friend, Lieutenant General JACK BERGMAN from Michigan, who is the ranking member of the Subcommittee on Oversight and Investigations.

This bill would give the Department of Veterans Affairs and the Office of Inspector General badly needed tools to stop companies that exploit contracting loopholes to take work from legitimate veteran-owned small businesses. It is crucial that the Federal procurement be fair and that veteran entrepreneurs actually receive the business opportunities that the law created for them.

Unfortunately, there have long been some fly-by-night small businesses that obtain set-aside contracts only to pass on all of the work to large businesses while collecting the profits. This is illegal, but the law is difficult to enforce.

This legislation requires a written certification in every contract proposal that the company will comply with the law. A false statement constitutes fraud, and the bill makes it the Inspector General’s explicit responsibility to investigate such suspected fraud.

This bill is a smart fix for a difficult problem, and I appreciate General BERGMAN as well as Dr. NEAL DUNN of Florida, my good friend and the ranking member of the Subcommittee on Health; and Congresswoman ANN KUSTER of New Hampshire for their work on it going back several years. I urge all Members to support H.R. 561, as amended.

Lieutenant General JACK BERGMAN is my good friend. I think General BERGMAN is the highest-ranking veteran in the U.S. Congress in either the House or the Senate. He represents the Upper Peninsula in Michigan and has been a great member of the Veterans’ Affairs Committee.

Madam Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BERGMAN).

Mr. BERGMAN. Madam Speaker, I give special thanks to the chairman and ranking member of the Veterans’ Affairs Committee because we are here for the right reasons, and that is to serve veterans and enable them to be productive in their lives after their service to our country.

My bill, H.R. 561, the Protecting Business Opportunities for Veterans Act, gives the VA the tools it needs to fix a persistent problem in contracting that is labeled improper passthroughs. These abuses occur when a small business obtains a contract under set-aside award conditions, but gives all, or substantially all, of the work to a large company while collecting profit for doing absolutely nothing. This practice has long been prohibited by law and wastes taxpayer dollars, but, unfortunately, in reality, agencies up until this point have had little ability to stop it.

As a veteran and a small business owner myself, I know how much work and dedication goes into building a successful company. The VA provides unparalleled opportunities for veteran-owned small businesses, but these opportunities are, unfortunately, wasted when unethical companies exploit loopholes to rip off the American taxpayer.

I am very proud of VA’s Vets First Program which directed contracts worth \$6.3 billion to veteran-owned small businesses last year alone. However, bad actors have been taking away contracts from law-abiding veteran business owners in the Vets First Program for way too long.

My bill, the Protecting Business Opportunities for Veterans Act, requires all bidders on these contracts to certify that they will perform the percentage of work that the law already requires. The bill also directs the VA to work with the Office of the Inspector General in a more effective way to find, stop, and, where appropriate, punish these improper passthroughs.

H.R. 561 addresses the gaps in implementation of existing law without adding new bureaucracy at the VA. I repeat: no additional new bureaucracy at the VA.

Madam Speaker, I strongly urge all my colleagues to support H.R. 561.

Mr. DAVID P. ROE of Tennessee. Madam Speaker, just for the record, a lieutenant general, in case there are those who don't know what that is, has three stars. I salute this marine. Even though I was in the Army, I have to salute the general over here.

Before I close in support of this bill, Madam Speaker, I want to express my disappointment that we are not considering another bill, S. 3084, this afternoon as well.

S. 3084 would correct a technical error in current law that unless swiftly addressed will jeopardize the financial security of certain current and former senior leaders across the VA healthcare system and make it harder for VA to recruit and retain the necessary talent to serve our Nation's veterans.

In short, a provision of the Caregivers and Veterans Omnibus Health Services Act of 2010—and I remember that—is intended to raise the salary cap for employees serving our senior executive services-equivalent positions in the Veterans Health Administration. However, due to a recently realized error in the law, VA will have to cut pay and issue debts for 30 current and 10 former senior leaders in those positions unless Congress acts to make the necessary corrections which S. 3084 will do.

This was no fault of the Members. All of the employees who are impacted by this technical error serve in high-level, mission-critical leadership positions working on issues like suicide prevention, mental health, women's health, and more. We should be encouraging and supporting these leaders, not leaving them in limbo.

What is more, our failure to address this issue in a timely manner is actively making it harder for VA to recruit candidates to fill important vacancies across the country.

Madam Speaker, S. 3084 passed the Senate on January 16. We could have taken it up and passed it many times over by now. If we had, those leaders would be resting a lot easier, and those vacancies could have been filled. I urge Speaker PELOSI and Chairman TAKANO not to delay any longer and to schedule S. 3084 for floor time as soon as possible.

Madam Speaker, I want to thank Chairman TAKANO for his leadership on all these bills we brought here. They are all very needed, and I appreciate the gentleman bringing them up in a timely fashion. I absolutely endorse all of those today, and I encourage my colleagues to support H.R. 561, as amended.

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

Mr. TAKANO. Madam Speaker, in closing, I want to reiterate my support for H.R. 561. I want to appreciate the work with the minority. We have worked together to pass these five pieces of legislation on the floor. It is another demonstration of our commitment to put veterans above partisanship and to put the interests of America above partisanship.

Madam Speaker, I can't tell you what a privilege it is to chair this committee. I urge all my colleagues to pass H.R. 561, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, H.R. 561, as amended.

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

A motion to reconsider was laid on the table.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO UKRAINE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 116-102)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days before the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13660 of March 6, 2014, with respect to Ukraine is to continue in effect beyond March 6, 2020.

The actions and policies of persons that undermine democratic processes and institutions in Ukraine; threaten its peace, security, stability, sovereignty, and territorial integrity; and contribute to the misappropriation of its assets, and the actions and policies of the Government of the Russian Federation, including its purported annexation of Crimea and its use of force in Ukraine, continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13660 with respect to Ukraine.

DONALD J. TRUMP.
THE WHITE HOUSE, February 25, 2020.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO CUBA AND OF THE EMERGENCY AUTHORITY RELATING TO THE REGULATION OF THE ANCHORAGE AND MOVEMENT OF VESSELS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 116-103)

The SPEAKER pro tempore (Ms. GARCIA of Texas) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days before the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to Cuba that was declared on March 1, 1996, in Proclamation 6867, as amended by Proclamation 7757 on February 26, 2004, Proclamation 9398 on February 24, 2016, and Proclamation 9699 on February 22, 2018, is to continue in effect beyond March 1, 2020.

It continues to be United States policy that a mass migration from Cuba would endanger the security of the United States by posing a disturbance or threatened disturbance of the international relations of the United States. The Cuban government has not demonstrated that it will refrain from the use of excessive force against United States vessels or aircraft that may engage in memorial activities or peaceful protest north of Cuba. Further, the unauthorized entry of United States-registered vessels into Cuban territorial waters continues to be detrimental to United States foreign policy and counter to the purpose of Executive Order 12807 of May 24, 1992, which is to ensure, among other things, safe, orderly, and legal migration. The possibility of large-scale unauthorized entries of United States-registered vessels would disturb the international relations of the United States by facilitating a possible mass migration of Cuban nationals. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Cuba and the emergency authority relating to the regulation of the anchorage and movement of vessels set out in Proclamation 6867, as amended by Proclamation 7757, Proclamation 9398, and Proclamation 9699.

DONALD J. TRUMP.
THE WHITE HOUSE, February 25, 2020.