ENDING THE SUSPENSION OF PREFERENTIAL TREATMENT FOR BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 114–164)

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 Ways and Means and ordered to be printed:

To the Congress of the United States:

I am writing to inform you of my intent to end the suspension of preferential treatment for Burma as a beneficiary developing country under the Generalized System of Preferences (GSP) program, and to designate Burma as a least-developed beneficiary developing country for purposes of the GSP program. I have carefully considered the criteria set forth in sections 501 and 502(c) of the Trade Act of 1974, as amended (19 U.S.C. 2461, 2462(c)). After considering the criteria set forth in section 502(c), I have determined that it is appropriate to add Burma to the list of GSP beneficiary developing countries in the Harmonized Tariff Schedule (HTS) of the United States. After considering the criteria set forth in sections 501 and 502(c), I have determined that it is appropriate to add Burma to the list of GSP least-developed beneficiary developing countries in the HTS.

I submit this notice in accordance with section 502(f)(1) of the Trade Act of 1974 (19 U.S.C. 2462(f)(1)).

BARACK OBAMA.

THE WHITE HOUSE, *September 14, 2016*.

RECESS

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

Accordingly (at 2 o'clock and 21 minutes p.m.), the House stood in recess.

□ 1500

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDING) at 3 p.m.

VA ACCOUNTABILITY FIRST AND APPEALS MODERNIZATION ACT OF 2016

The SPEAKER pro tempore. Pursuant to House Resolution 859 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5620.

Will the gentleman from Pennsylvania (Mr. ROTHFUS) kindly take the chair.

□ 1501

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 further consideration of the bill (H.R. 5620) 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. ROTHFUS (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, September 13, 2016, amendment No. 13 printed in House Report 114–742 offered by the gentleman from California (Mr. LOWENTHAL) had been disposed of.

AMENDMENT NO. 14 OFFERED BY MR. BEN RAY LUJÁN OF NEW MEXICO

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 114–742.

Mr. BEN RAY LUJÁN of New Mexico. 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 54, after line 2, insert the following:

SEC. 11. IDENTIFICATION OF MATTERS RELATING TO PART-TIME EMPLOYMENT OF MEMBERS OF THE ARMED FORCES WHO ARE PHYSICIANS.

The Secretary of Veterans Affairs shall identify—

(1) the number of members of the Armed Forces serving on active duty who are physicians employed at a Department of Veterans Affairs medical facility on a part-time basis;

(2) the process by which the Department hires such physicians on a part-time basis; and

(3) the process by which the Department hires civilian physicians on a part-time basis; and

(4) the steps the Department is taking to recruit members of the Armed Forces serving on active duty who are physicians for employment at Department medical facilities on a part-time basis.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from New Mexico (Mr. BEN RAY LUJÁN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. BEN RAY LUJÁN of New Mexico. Mr. Chairman, my amendment directs the VA to produce a report related to the part-time employment of Active Duty military positions at VA health facilities.

In 2014, Congress passed the Veterans Choice Act to help address the access to care crisis facing our Nation's veterans. As part of those reforms, the legislation called for a Commission on Care to examine how best to strategically organize the Veterans Health Administration, locate healthcare resources, and deliver health care to veterans over the next 20 years. The report was released on July 15 of this year.

The report's very first recommendation highlights VHA's provider shortages and suggests the VHA should expand their provider networks. They specify: ''These providers must be fully credentialed with appropriate education, training, and experience, provide veterans access that meets VHA standards, demonstrate high-quality clinical and utilization outcomes, and demonstrate military cultural competency.''

Recently, it came to my attention that Active Duty military physicians are confronting a number of hurdles when seeking part-time positions at our VA facilities and that these hurdles are preventing an entire group of physicians who exceed these standards from caring for our veterans.

The Department of Defense employs over 11,000 Active Duty military physicians. For many reasons, a number of these physicians choose to seek part-time employment in civilian hospitals. In fact, physician moonlighting is encouraged by the Department of Defense.

Yet, despite these military doctors exceeding all of the VA's employment standards, longstanding red tape seems to be preventing the VA from hiring them. At a time when VA facilities across the country are struggling to hire enough physicians, we cannot afford to turn away qualified doctors.

Recently, my office raised this issue with the Veterans Health Administration, and I appreciate the VHA's willingness to work with me on this issue. However, we need to get these facts on the record in order to continue the conversation and address this issue.

I would also like to thank Chairman MILLER for giving me the opportunity to raise this issue, and I look forward to working with my colleagues on both sides of the aisle to do what we can to help soldiers treat our vets.

While I greatly appreciate all physicians who choose to use their training, skills, and time to serve our Nation's veterans, there is no one more naturally equipped to care for our vets than our military physicians.

Mr. Chairman, I want to thank the chairman and the committee staff on both sides of the aisle for their work here.

At this time, I yield to the gentleman from California (Mr. TAKANO).

Mr. TAKANO. Mr. Chair, I thank my colleague, Representative BEN RAY LUJÁN from New Mexico, for yielding.

I urge my colleagues to support this legislation to ensure our veterans are fully taken care of.

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I am not opposed.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

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

I do support this amendment. It does require a report on DOD physicians who are part-time VA employees, and

it is important to have an accurate accounting of how DOD clinicians are practicing at the VA on a part-time basis and how they are recruited.

So I want to thank Representative LUJÁN for bringing this valuable piece of legislation to the floor.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. BEN RAY LUJÁN of New Mexico. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. BEN RAY LUJÁN of New Mexico).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. TAKANO

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 114–742.

Mr. TAKANO. Mr. Chairman, as the designee of the gentleman from New York (Mr. SEAN PATRICK MALONEY), I offer amendment No. 15.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 54, after line 2, insert the following:

SEC. 11. EXTENSION OF AUTHORITY OF THE SECRETARY OF VETERANS AFFAIRS TO PROVIDE FOR THE CONDUCT OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS.

Section 704(c) of the Veterans Benefits Act of 2003 (Public Law 108–183; 38 U.S.C. 5101 note) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

The Acting CHAIR. Pursuant to House Resolution 859, 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, as this body works to find ways to ensure that the VA is meeting the needs of the veteran community, we must ensure that we do not rob them of critical tools which have already helped the VA to address its claims backlog.

This amendment, based on Representative SEAN PATRICK MALONEY's standalone legislation, the Disabled Veterans Red Tape Reduction Act, ensures that the VA has one more tool in its toolkit in order to meet its mission. It accomplishes this by allowing veterans to have their medical examinations done by physicians outside the VA system to help process veterans' disability claims faster.

In the past, we have been able to work across party lines in order to keep in place this essential tool the VA needs to address the backlog. This important authority is due to expire at the end of the year; and without timely action from Congress, the VA would be even more overburdened.

This program works; that is why we need it. The fact that Congress would otherwise let this expire, when our VA system is already overburdened, is just unconscionable.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I do not oppose it.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Chair, I thank the gentleman from California (Mr. TAKANO) for bringing this piece of legislation to the floor. It is something that we already have passed, but putting it in a couple of different places probably doesn't hurt, so I would urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. TAKANO. Mr. Chair, at this time, I would like to use the remaining time I have on this amendment to make the following statement.

I would like to take a moment to recognize Chairman MILLER, who will be retiring at the end of this Congress.

I have only been acting ranking member for a couple of months, but I have enjoyed working with him as a member of the committee for the last 4 years. He is a dedicated public servant. He is charming and wily, and, with a smile, he can convince anyone across the table from him that his way is the right way, even though it is not.

I consider him a friend, but also a worthy adversary. Although we are at odds today on this underlying bill, I have enjoyed the bipartisan nature of the Veterans' Affairs Committee. I think we set an example for the American people that Congress can come together and get things done.

With all this talk about Congresswoman DINA TITUS' Appeals Modernization bill, I am reminded of another Titus bill. I worked with the chairman to include language in the Choice Act that increased the number of graduate medical education slots at the VA—1,500, to be exact. It was one of my proudest moments as a legislator, and I will look back fondly on the experience of working with Chairman MILLER. We did right by veterans, and we did right by the American people.

Mr. Chairman, I thank you for your service, and I wish you the best of luck with your retirement.

I urge my colleagues to support my amendment.

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 ayes appeared to have it.

Mr. TAKANO. 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 California will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. O'ROURKE

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 114–742.

Mr. O'ROURKE. 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. 11. RECRUITMENT OF PHYSICIANS IN DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 7402(b)(1) of title 38, United States Code, is amended—

(1) by inserting ''or to be offered a contingent appointment to such position,'' after ''position,''; and

(2) by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B)(i) have completed a residency program satisfactory to the Secretary; or

''(ii) with respect to an offer for a contingent appointment upon the completion of a post-graduate training program, complete such a residency program by not later than two years after the date of such offer; and''.

(b) OVERSIGHT OF GRADUATE MEDICAL EDUCATION PROGRAMS.—The Secretary shall—

(1) ensure that a recruiter or other similar official of each Veterans Integrated Service Network visits, not less than annually, each allopathic and osteopathic teaching institution with a graduate medical education program within the Network to recruit individuals to be appointed to positions in the Veterans Health Administration; and

(2) submit to Congress an annual report on the implementation of paragraph (1), including the success of such recruiting efforts.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from Texas (Mr. O'ROURKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. O'ROURKE. Mr. Chairman, I rise today to speak on behalf of amendment No. 16, which will allow us to help the VA fulfill its responsibilities and truly be accountable to our veterans by hiring enough physicians and care providers so that we can meet the demands and the needs and the care that has been earned by these veterans.

Today, by the VA's own admission, there are 43,000 authorized, funded, but unfilled positions in our community clinics and hospitals throughout the country. That means that veterans are waiting far too long and, in some cases, are not able to get in to receive that care that they have earned.

This amendment would allow the VA to begin doing what everyone else in modern medicine in America is doing today, and that is recruiting effectively from this country's residency programs.

Today, the VA is prohibited from talking to residents until they have completely completed their residency. As we all know, by that point, most of those residents have selected an employer, and that employer is not the VA.

This brings us into line with every other Federal recruiting practice throughout the government and brings us in line with the private and other

public sector employers against whom we are competing.

I will note that this amendment is also sponsored by Ms. STEFANIK of New York. It enjoys bipartisan support.

I urge my colleagues to join me in supporting this.

Lastly, Mr. Chair, before I yield to my ranking member, I want to join Representative TAKANO in recognizing the incredible service of Chairman MILLER, who has really ensured that this is the most bipartisan committee in the Congress, and that bipartisanship is needed now more than ever. If we are going to fix a VA system and deliver the care that those veterans have earned, we are going to need everyone working together as closely as possible, and Chairman MILLER has done a lot of work toward that end. So I want to thank him for his service and for what he has done for this committee and for veterans throughout the country.

Mr. Chairman, may I inquire as to how much time I have remaining.

The Acting CHAIR. The gentleman from Texas has 2½ minutes remaining.

Mr. O'ROURKE. Mr. Chair, I yield 2 minutes to the gentleman from California (Mr. TAKANO), the ranking member.

Mr. TAKANO. Mr. Chairman, I fully support the gentleman's amendment, and I encourage my colleagues to do the same.

Mr. O'ROURKE. Mr. Chairman, I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

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

Mr. Chairman, I want to thank Mr. O'ROURKE, a valued member of our committee, and Ms. STEFANIK for bringing this timely piece of legislation to the floor in amendment form. I think it is very important.

As the VA tries to recruit new physicians to fill the 40,000-plus openings that they may have at any one time, it is important to be able to get the younger folks that are coming in so that they can be a part of the VA system and helping our veterans.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. O'ROURKE).

The amendment was agreed to.

□ 1515

AMENDMENT NO. 17 OFFERED BY MR. O'ROURKE

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 114–742.

Mr. O'ROURKE. 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. 11. AUTHORITY TO DISCLOSE CERTAIN MEDICAL RECORDS OF VETERANS WHO RECEIVE NON-DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE.

Section 7332(b)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(H) To a non-Department entity (including private entities and other departments or agencies of the Federal Government) that provides hospital care or medical treatment to veterans.''.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from Texas (Mr. O'ROURKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. O'ROURKE. I yield myself such time as I may consume.

Mr. Chairman, as we now know, we are 43,000 providers short within the VA, which means that there is an unmet need and demand from veterans in the communities that we serve and whom we represent. To be able to bridge this gap, we are going to have to more effectively leverage capacity for care in public and private institutions throughout this country. These are public hospitals, private hospitals, and public and private clinics.

There are different means of doing this right now, which the VA Secretary seeks to streamline into one program, and I support this; but in the meantime, while we are largely dependent on the Choice Program that this Congress passed not too long ago, we must ensure that the care for these veterans is coordinated in a seamless manner.

Part of the problem in doing that is that the medical records for veterans are not effectively traveling with them from the VA to their provider in the community, and, in fact, because of an antiquated interpretation of veterans' medical information records, veterans have to sign a waiver allowing the VA to share that information.

Now, no other provider of medical care in this country operates under those same standards. And today, it is estimated that fewer than 3 percent of veterans have affirmatively signed these release forms allowing their information to be effectively shared with the community providers so that provider can make informed medical decisions for that veteran's treatment.

Inclusion of this amendment in the final bill's passage will ensure that we bring the VA up to modern medical standards, where veterans will still be protected by HIPAA and privacy laws but will have their critical medical information effectively shared without fear of exposure of any of their private and identifiable information.

Mr. Chairman, I ask that the Congress support this amendment into inclusion in the final bill so that we can effectively leverage that care in the community.

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

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I do not oppose the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

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

Again, Mr. O'ROURKE has brought an outstanding addition to this important piece of legislation. It is critical for continuity and the provision of safe, quality health care to our veterans to allow them to be able to communicate back and forth without any impediments, so I appreciate Mr. O'ROURKE's hard work and, again, bringing this amendment to the floor. I urge my colleagues to support it.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. O'ROURKE).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MR. O'ROURKE

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 114–742.

Mr. O'ROURKE. 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 54, add after line 2 the following:

SEC. 11. SURVEY OF VETERAN EXPERIENCES WITH DEPARTMENT OF VETERANS AFFAIRS MEDICAL CARE.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall seek to enter into a contract with a non-government entity with significant experience conducting scientifically verifiable surveys and research to conduct an annual survey of a statistically significant sample of veterans who reside in the geographic area served by each of the medical facilities of the Department of Veterans Affairs to determine the nature of the experiences of such veterans in obtaining hospital care and medical services furnished by the Secretary at each such medical facility. Each such survey shall be conducted using scientific and verifiable methods. Such contract shall provide that the non-government entity shall conduct such annual surveys during the five-year period beginning on the date on which the Secretary enters into the contract with the non-government entity.

(b) CONTENTS.—The contract entered into under subsection (a) shall provide that each survey conducted pursuant to the contract shall be specific to a medical facility of the Department and shall include questions relating to the experiences of veterans in requesting and receiving appointments for hospital care and medical services furnished by the Secretary at that medical facility, including questions relating to each of the following:

(1) The veteran's ability to obtain hospital care and medical services at the facility in a timely manner.

(2) The period of time between the date on which the veteran requests an appointment at the facility and the date on which the appointment is scheduled.

(3) The frequency with which scheduled appointments are cancelled by the facility.

(4) The quality of hospital care or medical services the veteran has received at the facility.

(c) CONSULTATION.—The contract entered into under subsection (a) shall provide that in designing and conducting the surveys for each medical facility of the Department pursuant to such contract, the non-government entity shall consult with veterans service organizations.

(d) CERTIFICATION.—The contract entered into under subsection (a) shall provide that—

(1) before conducting a survey pursuant to the contract, the non-government entity shall submit the proposed survey to the Comptroller General who shall assess whether the survey is scientifically valid and whether the proposed sample size of veterans to be surveyed is statistically significant; and

(2) the non-government entity may not conduct such a survey until the Comptroller General provides such a certification for the survey.

(e) SUBMITTAL OF RESULTS AND PUBLIC AVAILABILITY OF INFORMATION.—Not later than 30 days after the completion of the surveys conducted pursuant to a contract entered into under subsection (a) for a year, the Secretary shall make the results of the surveys publicly available on the Internet website of the Department.

(f) PAPERWORK REDUCTION.—Subchapter I of chapter 35 of title 44, United States Code shall not apply to this section.

(g) DEADLINE FOR IMPLEMENTATION.—The Secretary shall enter into a contract under subsection (a) for each medical facility of the Department by not later than 180 days after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from Texas (Mr. O'ROURKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. O'ROURKE. I yield myself such time as I may consume.

Mr. Chairman, I rise today to speak on behalf of this amendment No. 18, which we are referring to as the Ask a Veteran amendment to the underlying bill.

This essentially builds on some of the pioneering work taking place in the community I have the privilege to represent in El Paso, Texas. Before the wait-time scandal broke in Phoenix, we were hearing alarming discrepancies between what the VA was telling us that a veteran was waiting in our community and what we were hearing at our townhalls from veterans themselves.

In order to try to resolve this issue, we conducted a scientific survey by an independent third-party with a margin of error under 4 percent to ask veterans from their own experience and in their own words what they had experienced in terms of care at the VA. We found that instead of meeting the 14-day standard then in place by the VA for access to care, veterans, on average, were waiting over 70 days to see a primary care physician and over 60 days to see a mental health care provider.

Most alarmingly, 37 percent of the veterans who were surveyed who sought mental health care were not able to get an appointment in 14 days or 60 days or 1 year. They never got in at all. It is important that we remember that in the context of the VHA's recent admission that after a scientific survey of veterans in all 50 States, an average of 20 veterans a day are taking their lives in this country, and 14 of those 20 veterans who will take their lives today have not had a chance to see someone at the VA.

We have learned that we cannot depend on the VA to tell us how the VA is doing. We must ask veterans directly. This amendment will do just that. It will, in every community that we serve, ask the veterans themselves how long they are waiting, when they first requested care and when that was received, the continuity of that care, the quality of that care, and the customer service.

If we are to create a culture of accountability in the VA, as the chairman has said over and over again, and which I agree with wholeheartedly, we need to ask the veterans directly about their experience. We can no longer make the same mistake of trusting the VA to tell us how the VA is doing.

Mr. Chairman, I ask for this body's full support of this measure that will help us hold the VA in check, keep them accountable, and ensure that veterans always have a voice in oversight of this most important institution.

Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. TAKANO), the ranking member.

Mr. TAKANO. Mr. Chairman, I thank the gentleman from Texas for yielding me 30 seconds. Mr. Chairman, I fully support his amendment, and I encourage my colleagues to do the same.

Mr. O'ROURKE. Mr. Chairman, I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I do not oppose the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

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

Again, Mr. O'ROURKE has brought another good piece of legislation to the floor. In fact, this has previously passed the House in the 113th Congress. I think that veterans' voices must be heard, and we also must be careful how the questions are asked. We know how any survey or poll can be manipulated. It is very important that this is a trusted survey. I would urge my colleagues to support this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. O'ROURKE).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. TAKANO

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 114–742.

Mr. TAKANO. Mr. Chairman, as the designee of the gentleman from Minnesota (Mr. WALZ), I offer amendment No. 19.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 54, add after line 2 the following:

SEC. 11. PROVISION OF STATUS UNDER LAW BY HONORING CERTAIN MEMBERS OF THE RESERVE COMPONENTS AS VETERANS.

(a) VETERAN STATUS.—

(1) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 107 the following new section:

"§ 107A. Honoring as veterans certain persons who performed service in the reserve components

''Any person who is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 107 the following new item:

''107A. Honoring as veterans certain persons who performed service in the reserve components.''.

(b) CLARIFICATION REGARDING BENEFITS.—No person may receive any benefit under the laws administered by the Secretary of Veterans Affairs solely by reason of section 107A of title 38, United States Code, as added by subsection (a).

The Acting CHAIR. Pursuant to House Resolution 859, 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 rise in support of the amendment, which would provide deserved recognition for the National Guard and Reserve retirees.

The National Guard and Reserve component retirees who have served less than 180 straight days of Active Duty are not able to call themselves veterans due to the legal definition. This is despite their 20 years of service to their State and their Nation and despite their service in emergencies like floods, fires, and other natural disasters.

The amendment allows these National Guard and Reserve retirees to say ''I am a veteran,'' the ability to get a license plate showing their veteran status and to go to the store and buy a hat that says ''Proud Veteran'' without feeling guilty. It is simply a way to honor the men and women who have served in and retired from our National Guard and Reserve forces. It has no cost, and it already passed the House last by a vote of 407–0. I urge my colleagues to support the amendment.

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

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, even though I do not oppose it.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

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

Mr. Chairman, this is an important piece of legislation to many. It would give the ability for those who have served in the National Guard or Reserve for 20 years selflessly to be able to call themselves a veteran. It has already passed the House, as my colleague has already brought to our attention, back in February.

Representative WALZ is steadfast in his support of the National Guard and Reserve and all those who have worn the uniform of this Nation. I think it is very fitting that it be a part of this legislation today. I urge its passage.

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

Mr. TAKANO. Mr. Chairman, I have no further speakers, and I urge all my colleagues to support the amendment.

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 ayes appeared to have it.

Mr. TAKANO. 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 California will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. TAKANO

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 114–742.

Mr. TAKANO. Mr. Chairman, as the designee of the gentleman from Minnesota (Mr. WALZ), I offer amendment No. 20.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 54, add after line 2 the following:

SEC. 11. PROVISION OF REHABILITATIVE EQUIPMENT AND HUMAN-POWERED VEHICLES TO CERTAIN DISABLED VETERANS.

(a) IN GENERAL.—Section 1714(a) of title 38, United States Code, is amended—

(1) by striking ''Any veteran'' and inserting ''(1) Any veteran''; and

(2) by adding at the end the following new paragraph:

''(2)(A) The Secretary may furnish rehabilitative equipment to any veteran who is entitled to a prosthetic appliance.

''(B) In carrying out subparagraph (A), the Secretary may modify non-rehabilitative equipment owned by a veteran only if the veteran elects for such modification.

''(C) The Secretary shall annually submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on rehabilitative equipment furnished to veterans under subparagraph (A). Each such report shall include, with respect to the year covered by the report—

''(i) the number of veterans eligible to receive such rehabilitative equipment;

''(ii) the number of veterans who received such rehabilitative equipment;

''(iii) the number of veterans who elected to receive modified equipment pursuant to subparagraph (B); and

''(iv) any recommendations of the Secretary to improve furnishing veterans with rehabilitative equipment.

''(D) In this paragraph, the term 'rehabilitative equipment' means—

''(i) rehabilitative equipment, including recreational sports equipment that provide an adaption or accommodation for the veteran, regardless of whether such equipment is intentionally designed to be adaptive equipment; and

''(ii) includes hand cycles, recumbent bicycles, medically adapted upright bicycles, and upright bicycles.''.

(b) NO ADDITIONAL FUNDS.—No additional funds are authorized to be appropriated to carry out the requirements of this section and the amendments made by this section. Such requirements shall be carried out using amounts otherwise authorized.

The Acting CHAIR. Pursuant to House Resolution 859, 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 rise in support of the amendment, which would allow the VA flexibility in providing equipment to help injured veterans recover through adaptive recreation. Specifically, it allows the Secretary of the VA to furnish rehabilitative equipment to veterans entitled to prosthetic appliances or modify non-rehabilitative equipment owned by a veteran. For example, this bill would allow a veteran with a prosthetic to bring his or her bike in and have it fitted to work with their prosthetic.

Currently, the VA can purchase new recreational equipment to support healing for the veteran, but sometimes a veteran just wants to use his or her own equipment; they want a return to normal after a major life-changing event that led to their need for a prosthetic.

This bill has no cost since the VA already has the equipment and the people to do this. I urge my colleagues to support this legislation.

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

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

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

Mr. Chairman, this is another valuable piece of legislation brought to us by our friend, Mr. WALZ. Disabled veterans do, in fact, need access to adaptive equipment, including recreational sports equipment. I think that this is a very commonsense amendment. I support it. I urge my colleagues to support it.

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 ayes appeared to have it.

Mr. TAKANO. 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 California will be postponed.

AMENDMENT NO. 21 OFFERED BY MR. DUFFY

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 114–742.

Mr. DUFFY. 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 54, after line 2, insert the following:

SEC. 11. APPOINTMENT OF LICENSED HEARING AID SPECIALISTS IN VETERANS HEALTH ADMINISTRATION.

(a) LICENSED HEARING AID SPECIALISTS.—

(1) APPOINTMENT.—Section 7401(3) of title 38, United States Code, is amended by inserting ''licensed hearing aid specialists,'' after ''Audiologists,''.

(2) QUALIFICATIONS.—Section 7402(b)(14) of such title is amended by inserting '', hearing aid specialist'' after ''dental technologist''.

(b) REQUIREMENTS.—With respect to appointing hearing aid specialists under sections 7401 and 7402 of title 38, United States Code, as amended by subsection (a), and providing services furnished by such specialists, the Secretary shall ensure that—

(1) a hearing aid specialist may only perform hearing services consistent with the hearing aid specialist's State license related to the practice of fitting and dispensing hearing aids without excluding other qualified professionals, including audiologists, from rendering services in overlapping practice areas;

(2) services provided to veterans by hearing aid specialists shall be provided as part of the non-medical treatment plan developed by an audiologist; and

(3) the medical facilities of the Department of Veterans Affairs provide to veterans access to the full range of professional services provided by an audiologist.

(c) CONSULTATION.—In determining the qualifications required for hearing aid specialists and in carrying out subsection (b), the Secretary shall consult with veterans service organizations, audiologists, otolaryngologists, hearing aid specialists, and other stakeholder and industry groups as the Secretary determines appropriate.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter during the five-year period beginning on the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the following:

(A) Timely access of veterans to hearing health services through the Department of Veterans Affairs.

(B) Contracting policies of the Department with respect to providing hearing health

services to veterans in facilities that are not facilities of the Department.

(2) TIMELY ACCESS TO SERVICES.—Each report shall, with respect to the matter specified in paragraph (1)(A) for the one-year period preceding the submittal of such report, include the following:

(A) The staffing levels of audiologists, hearing aid specialists, and health technicians in audiology in the Veterans Health Administration.

(B) A description of the metrics used by the Secretary in measuring performance with respect to appointments and care relating to hearing health.

(C) The average time that a veteran waits to receive an appointment, beginning on the date on which the veteran makes the request, for the following:

(i) A disability rating evaluation for a hearing-related disability.

(ii) A hearing aid evaluation.

(iii) Dispensing of hearing aids.

(iv) Any follow-up hearing health appointment.

(D) The percentage of veterans whose total wait time for appointments described in subparagraph (C), including an initial and follow-up appointment, if applicable, is more than 30 days.

(3) CONTRACTING POLICIES.—Each report shall, with respect to the matter specified in paragraph (1)(B) for the one-year period preceding the submittal of such report, include the following:

(A) The number of veterans that the Secretary refers to non-Department audiologists for hearing health care appointments.

(B) The number of veterans that the Secretary refers to non-Department hearing aid specialists for follow-up appointments for a hearing aid evaluation, the dispensing of hearing aids, or any other purpose relating to hearing health.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from Wisconsin (Mr. DUFFY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

□ 1530

Mr. DUFFY. Mr. Chairman, I rise today in support of my amendment, amendment No. 20, to Chairman MILLER's VA Accountability First and Appeals Modernization Act.

My amendment would add hearing aid specialists to the list of medical providers at the VA, allowing veterans access to timely hearing aid adjustments while still providing them with the same quality of care.

I come from rural America. One of the issues that we come across is that many of our veterans have hearing issues and—by the way, hearing and audiology issues are increasing at a rate of 10 percent per year in the VA—it takes a long time to get an appointment with an audiologist.

Once they get that appointment with the audiologist and they get a hearing aid, oftentimes they have to come back to the audiologist, waiting 2 weeks, 4 weeks, 6 weeks for that appointment to get that hearing aid adjusted and fitted. Or if something goes wrong, they have to wait another 4 weeks to go back to get it refitted and fixed.

So what this amendment would do is allow for our veterans to use hearing aid specialists, oftentimes in their own community, getting quick access to care so that they can hear. It is also going to free up our audiologists to do the more serious work that is necessary with our veterans. We are in a scenario where not only are we going to save money, but we are also going to be able to provide better quality care to our veterans.

In my neck of the woods, if a veteran can get a hearing aid adjusted in their own community as opposed to driving 2 hours or 3 hours to a VA facility, it is a big, big deal for them.

So often I am hearing stories from family members who talk about their loved one who is maybe from Vietnam or from World War II. They will sit around the table and just smile, nodding their head in conversations because they can't hear.

I have heard stories where they have gotten their hearing aids and they have actually thrown them away because they can't get appointments. They don't know how the darn things work.

This is an easy fix. I appreciate the chairman's support. I think we have support from my friends across the aisle. It is an easy fix with no cost.

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

Mr. TAKANO. Mr. Chairman, I claim the time in opposition, though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. TAKANO. Mr. Chair, I am prepared to support the amendment, and I urge my colleagues to do the same.

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

Mr. DUFFY. Mr. Chair, I appreciate the gentleman's support.

Mr. Chair, I include in the RECORD six letters from numerous veterans service organizations in support of H.R. 5620, as amended.

IRAQ AND AFGHANISTAN VETERANS OF AMERICA,
August 26, 2016.

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

DEAR CHAIRMAN MILLER, Iraq and Afghanistan Veterans of America (IAVA) and our 425,000 members are pleased to offer our strong support for H.R. 5620, the VA Accountability First and Appeals Modernization Act.

It has been over two years since the scandal in Phoenix alerted the country to the egregious state of the VA health care system. And yet little has been done to ensure the VA is equipped with the necessary authorities to address workforce accountability. The large majority of VA employees serve veterans with distinction, but there are employees whose poor performance or, at worst, gross negligence put veterans at risk. They need to immediately be removed from the VA to restore trust within the VA system. IAVA believes this legislation provides the VA leadership those necessary authorities while still providing due process. While accountability at the VA is past due, the changes to due process and the appointments clause ensure such accountability is done responsibly.

Additionally, this legislation provides many improvements to the disability compensation appeals process desperately needed at the VA to better manage the appeals backlog. Reducing burdensome red tape will better serve veterans and their families and will improve efficiency within the VA.

Veterans have made great sacrifices in service to our nation, and IAVA believes they deserve a VA that can provide the level of care they have earned. If we can be of help, please contact Tom Porter, IAVA's Legislative Director.

Sincerely,

JONATHAN SCHLEIFER,
Interim Chief Policy Officer,
Iraq and Afghanistan Veterans of America.

NATIONAL ASSOCIATION FOR UNIFORMED SERVICES,
Springfield, VA, July 13, 2016.

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

DEAR CHAIRMAN MILLER: On behalf of the nationwide membership of the National Association for Uniformed Services (NAUS), I would like to offer our full support for H.R. 5640, a bill that combines VA accountability provisions with personnel appeals reform.

Your legislation would enhance the power of the Department of Veterans Affairs to hold its employees accountable for their actions and for when they abuse their public trust and their obligation to care for sick and injured veterans. At the same time, your bill is balanced. It does not come at the expense of fairness and equitable treatment of VA employees.

NAUS supports efforts to reform VA into an organization worthy of the veterans it is charged with serving. Various personnel policies and antiquated rules have played a part in pushing its ranks into a culture of corruption that has led to a list of scandals in VA facilities nationwide. It is time to ensure accountability where it is needed.

Once again, thank you for introducing legislation that will address the intolerably corrosive culture of no-accountability at the Department of Veterans Affairs. Thank you as well, for your continued support for America's veterans.

Sincerely,

RICHARD A. JONES,
Legislative Director.

RESERVE OFFICERS ASSOCIATION,
Washington, DC, July 15, 2016.

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

DEAR CHAIRMAN MILLER: The Reserve Officers Association of the United States supports H.R. 5620, the ''VA Accountability First and Appeals Modernization Act of 2016,'' to amend title 38 U.S.C., giving the Secretary of Veterans Affairs broader authority to establish performance accountability among employees within the department and to reform the disability claims appeal process.

The public's trust in the quality of VA health care and benefits administration has needlessly suffered because VA employees were not doing their jobs and because VA managers at all levels neglected their responsibilities. Poor performance has cost veterans their health and even their lives; veterans die waiting for a claim settlement. Families trust that their loved one will be taken care of and not taken from them.

Civil servants must be accountable; poor performance must not be tolerated, nor rewarded with promotions and bonuses. The VA leadership's disciplinary failure is clear: according to congressional sources, in the wake of the 2014 scandals only three employees have been terminated; of 452 disciplinary

cases, nearly a third were mitigated. ''. . . in the San Diego [regional office], a Veteran Service Representative was proposed for removal, but the employee only received a suspension for less than 14 days. The suspensions can also be misleading as we have seen plenty of cases where VA merely uses a 'paper' suspension but in reality the employee serves a much shorter suspension, if they serve one at all.''

Accountability will strengthen the civil service: high-performing teams will attract quality into public service. Of special value are measures impacting the Senior Executive Service. Essentially beyond the reach of discipline and accountability, the SES is the ''center of gravity'' for an agency's performance: the effects of mediocrity at the top, with bonuses unjustified by performance, cascades devastatingly through the ranks.

ROA also supports the act's increased whistleblower protections; in truth, the legislative branch and the agency's internal controls, such as its inspector general, have at best a limited capacity to identify abuses of the public trust that occur beyond detection, deep in the bureaucracy. Whistleblowers are a veteran's best friend and must be encouraged and protected.

But merely giving an agency the tools to make internal corrections does not necessarily lead to their use: Congress must exercise rigorous oversight, unsparingly revealing to public scrutiny the failures of agency heads and the administration in discharging their duties, and exerting all influential means appropriate to bring about correction.

ROA has a membership of 50,000 and is the only national military association that exclusively supports all the uniformed reserve components of the United States. Thank you for your efforts on this issue, and your support of our veterans. Please have your staff call Susan Lukas, ROA's legislative director with any question or issue you would like to discuss.

Sincerely,

JEFFREY E. PHILLIPS,
Executive Director.

STUDENT VETERANS OF AMERICA,
Washington, DC, July 7, 2016.

Chairman JEFF MILLER,
Committee on Veterans Affairs,
House of Representatives.

CHAIRMAN MILLER: On behalf of Student Veterans of America (SVA), a coalition of over 1,390 student veteran organization chapters at colleges and universities with over 550,000 student veterans at those campuses, I am writing to express our support of HR 5620 the ''VA Accountability First and Appeals Modernization Act of 2016''. The bill supports stronger accountability measures for Department of Veterans Affairs employees and increases the efficiency of the disability appeals process. This bill gives the VA secretary the authority to take necessary action against negligent employees, such as recalling their bonuses and relocation expenses. Accountability is a major challenge for the VA and this bill addresses accountability challenges with specific measures. In addition, we support reform of the benefit appeals process.

As supporters of the previous legislation the ''VA Accountability Act of 2015'', we support these necessary changes. Student veterans nationally rely on the Department of Veteran Affairs for benefits and for health care as well as other programs and services. The goals of HR 5620 align with those of SVA. As Secretary McDonald said, ''As the Nation's foremost advisory body in medicine and healthcare, you know that the Department of Veterans Affairs is in the midst of overcoming problems involving access to healthcare. We own them, and we're fixing them.''

The Secretary of the Department of Veterans Affairs requires legislative authority to fix accountability challenges so he may hold employees accountable with appropriate policies and processes. SVA supports this bill for these reasons. Please contact us should you have any questions or concerns.

Respectfully,

JAMES SCHMELING,
Executive Vice President.

JULY 22, 2016.

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

DEAR CHAIRMAN MILLER: VetsFirst, a program of United Spinal Association is writing to express its upmost support for H.R. 5620, ''VA Accountability First and Appeals Modernization Act of 2016.'' As a VA recognized National Veterans Service Organization, United Spinal Association, through its VetsFirst program, advocates on behalf of all of our nation's veterans. With the numerous scandals plaguing VA now, it is essential that Congress take action to rectify the situation and this legislation is an important first step.

The VA Accountability First and Appeals Modernization Act of 2016 is a worthy piece of legislation as it proposes to tackle several issues that have undercut the taxpayers' faith in VA. H.R. 5620 provides for the removal or demotion of employees based on performance or misconduct. This is critical as it not only removes bad apples within VA, but addresses the culture of VA and shows that Congress will no longer tolerate the abuse of our nation's veterans. It provides for the reduction of benefits for senior executive service (SES) members convicted of certain crimes, recoups bonuses and relocation bonuses of certain VA employees, streamlines personnel actions and addresses the treatment of whistleblowers. Finally, it provides much needed reform to the current VA appeals process. This reform is essential as it addresses employee's misconduct more efficiently, while establishing procedures that ensure the accused's Constitutional rights are properly protected.

VetsFirst, believes that Veterans deserve honest, timely and efficient service. For too long VA and its culture have allowed for abuses against those who have sacrificed for this nation. H.R. 5620 addresses both the abuses and the need for cultural reform. Therefore, we are proud to offer our support for this meaningful legislation.

If we can be of further assistance, please contact Ross Meglathery, Vice President of VetsFirst, if VetsFirst can be of assistance.

Sincerely,

ROSS MEGLATHERY,
Vice President, VetsFirst,
a program of United Spinal Association.

UNITED STATES ARMY,
WARRANT OFFICERS ASSOCIATION,
Herndon, VA, August 9, 2016.

Hon. JEFF MILLER,
Chairman, House Veterans Affairs Committee,
House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: The United States Army Warrant Officers Association (USAWOA) is the only military service organization thoroughly devoted to the welfare of Army Warrant Officers—serving, former and retired—and their families. The USAWOA writes in support of your bill, H.R. 5620, the ''VA Accountability First and Appeals Modernization Act of 2016.''

Your bill would provide the Secretary of the Department of Veterans Affairs (VA) increased flexibility to remove VA employees for performance or misconduct, would provide improved protections for whistleblowers (including restricting bonus awards for supervisors who retaliate against whistleblowers), and would strengthen accountability of VA Senior Executive Service (SES) employees.

This legislation would also reform and streamline the VA's appeals process for disability benefits. This is crucial, as the backlog of appeals appears to be growing at geometric rates.

USAWOA joined other members of The Military Coalition in working hard with members of Congress on the VA Choice Act in 2014. H.R. 5620 expands on this good work, to provide vastly more efficient service to our Veterans in need, as it also enforces greater accountability of the professionals tasked with serving them.

The USAWOA thanks you for your leadership on this issue. Please do not hesitate to contact me for clarification of USAWOA's position on this, or any other issue in the future.

Sincerely,

JACK DU TEIL,
Executive Director.

Mr. DUFFY. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. DUFFY).

The question was taken; and the Acting Chair announced that the ayes 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 Wisconsin will be postponed.

AMENDMENT NO. 22 OFFERED BY MR. MILLER OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in House Report 114–742.

Mr. MILLER of Florida. Mr. Chair, I offer an amendment as the designee of the gentleman from New Jersey (Mr. LANCE).

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 54, after line 2, insert the following:

SEC. 11. ANNUAL REPORT ON PERFORMANCE OF REGIONAL OFFICES OF THE DEPARTMENT OF VETERANS AFFAIRS.

Section 7734 of title 38, United States Code, is amended—

(1) in the first sentence, by inserting before the period the following: ''and on the performance of any regional office that fails to meet its administrative goals'';

(2) in paragraph (2), by striking ''and'';

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph (3):

''(3) in the case of any regional office that, for the year covered by the report, did not meet the administrative goal of no claim pending for more than 125 days and an accuracy rating of 98 percent—

''(A) a signed statement prepared by the individual serving as director of the regional office as of the date of the submittal of the report containing—

''(i) an explanation for why the regional office did not meet the goal;

''(ii) a description of the additional resources needed to enable the regional office to reach the goal; and

''(iii) a description of any additional actions planned for the subsequent year that are proposed to enable the regional office to meet the goal; and

''(B) a statement prepared by the Under Secretary for Benefits explaining how the failure of the regional office to meet the goal affected the performance evaluation of the director of the regional office; and''.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from Florida (Mr. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chair, I offer this amendment, which is similar to a provision that was previously passed in the House in the 113th Congress. It improves transparency and provides important information about each regional office's accuracy and productivity.

I think that each regional office is required to submit a report whenever it fails to meet its goal of processing claims within 125 days and with 98 percent accuracy. Those are numbers that VA has set forth. I think that it is very important that we keep a timely track on this and not allow the backlogs to continue for an inordinate period of time.

I urge my colleagues to support the amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MILLER).

The amendment was agreed to.

Mr. MILLER of Florida. 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. MILLER of Florida) having assumed the chair, Mr. ROTHFUS, 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. 5620) 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, had come to no resolution thereon.

REGULATORY INTEGRITY ACT OF 2016

GENERAL LEAVE

Mr. WALBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5226.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 863 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. 5226.

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

□ 1538

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5226) to amend chapter 3 of title 5, United States Code, to require the publication of information relating to pending agency regulatory actions, and for other purposes, with Mr. ROTHFUS 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 Michigan (Mr. WALBERG) and the gentleman from Missouri (Mr. CLAY) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. WALBERG. Mr. Chair, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of my bipartisan bill, H.R. 5226, the Regulatory Integrity Act of 2016, a good government transparency bill.

This bill is a simple concept, but I believe it will have an important and positive impact on the public's participation in the regulatory process. That positive impact will, in turn, benefit the regulatory process as a whole.

Mr. Chairman, the public comment period is an essential part of upholding our democratic values. It ensures that Americans will have their voices heard in the Federal Government's regulatory process.

H.R. 5226 helps preserve the integrity of the public commenting in two primary ways. First, the bill defines the parameters of how an agency should communicate when the agency is offering a proposal to the public and when asking that the public provide feedback. This bill requires agencies to do only what you should expect them to do, if the request for feedback was genuine and sincere.

Mr. Chairman, H.R. 5226 requires the agency to, one, identify itself; two, clearly state whether the agency is accepting public comments or considering alternatives; and, three, most importantly, speak about the regulation in a neutral, unbiased tone.

The people I represent in Michigan's Seventh District are ready to offer honest and thoughtful feedback, but they currently lack confidence that Federal agencies are actually open to their insights and constructive criticism.

There may be no better example of this tendency to ignore the American public than the EPA's Waters of the U.S. Rule. The EPA not only overlooked the very real concerns of the countryside—concerns expressed by my constituents in Monroe, Jackson, and Lenawee County—but the EPA actually engaged in a social media campaign to gin up support for their proposal.

In fact, the Government Accountability Office found that the EPA undertook a ''covert propaganda'' campaign by soliciting social media comments in support of their proposed rule. GAO also told the EPA to report this violation to the President and Congress because ''the agency's appropriations were not available for these prohibited purposes.''

The public comment period is the opportunity afforded to American people to voice their concerns on proposed rules, and agencies must take their input seriously.

Mr. Chairman, this bill simply tells agencies that they need to keep to the facts and avoid soliciting support when they ought to be soliciting comments.

Mr. Chairman, the second way this bill helps to preserve the integrity of the regulatory process is that it establishes transparency requirements for the agency in how it communicates to the public.

The bill requires agencies to post on their Web site some basic information about each communication the agency makes about pending regulatory action. For each communication, the public will be able to see a copy of the communication, the intended audience, the method of communication, and the date the communication was issued.

Additionally, agencies will be required to post online a description of each regulatory action, the date the agency first began to consider or develop each action, the status of each action, and the expected date of completion for each action.

Mr. Chairman, these basic transparency measures will allow the public to have a central source for all communication about a specific regulatory action so that the public can have a full and equal opportunity to understand the intent of the agency.

It will also allow Congress and the American public to verify that communications to the public about regulatory actions are honest, unbiased, and compliant with the requirements of the bill.

Mr. Chairman, although individuals may disagree about how much regulation is appropriate or how intrusive regulations might be, we should all agree that the public's participation is a vital part of legitimizing the rulemaking process. Without input from the public—input that is fully considered by the agency promulgating the rule—something fundamental is missing from the legislation itself.

Unfortunately, we have seen over and over again agencies that seem to believe that the regulatory process is simply a perfunctory act of compliance necessary to reach the end goal of whatever regulatory scheme the agency's staff feels is best.

What we see when the agency diminishes the public input is that the rulemaking process is used by agencies to