

top priorities, and the Veterans Sexual Assault Prevention and Health Care Enhancement Act does just that.

I would like to thank Chairman MILLER and Ranking Member BOB FILNER, the chair of the subcommittee, as well as all of my colleagues on the House Veterans Affairs' Committee, for working in such a bipartisan manner to get this very important health care bill to the floor.

Within H.R. 2074, I would like to highlight two important provisions, and you heard the chairwoman explain the bill very eloquently.

The first provision I would like to highlight is section 2, which was offered by the chair of the Subcommittee on Health, Ms. BUERKLE. The provision will correct the troubling findings in a GAO report. The report essentially found that veterans and employees were exposed to personal dangers, including sexual assault. This is simply unacceptable, and I want to thank the subcommittee chair for offering this bill to us.

The second provision I would like to highlight is in section 3, my provision of the bill. Section 3 would provide much needed flexibility in the way the State veterans' homes get reimbursed for the care they provide to veterans who need that care for a service-connected condition or a service-connected condition of 70 percent or greater. This will ensure that these veterans are not put out on the streets.

The Subcommittee on Health has been working on this bill for well over 2 years, and now I am finally pleased to see that this bill is moving forward. Hopefully, my colleagues on both sides of the aisle will support this very important piece of legislation as we have to do all that we can to help our veterans and their families. This bill is one that takes a different approach to dealing with our veterans and their problems.

Mr. MILLER of Florida. Madam Speaker, I yield 2 minutes to the gentleman from the 31st District of Texas (Mr. CARTER).

Mr. CARTER. I thank the chairman for yielding.

I want to thank the chairman and chairwoman for adopting H.R. 2074 to include H.R. 1154, the Veterans Equal Treatment for Service Dogs—the vet dogs—bill.

This ensures that veterans with service dogs have equal access to VA facilities. It amends title 38 of the U.S.C. to ensure that the VA allows medical service dogs in addition to seeing eye and guide dogs in VA facilities. This is sort of a no-brainer. A medical service dog's usage has been expanded to deal with all types of brain injury, hearing loss, seizures, vets who have lost limbs—for assistance mobility—and there are many other important areas in which these service dogs are making our veterans better.

Both the ADA and the Rehabilitation Act support this bill. The VA issued a directive recently to allow service dogs

into their facilities, a directive good for 5 years. I applaud the VA in that effort, but this bill makes this directive permanent.

This is important for these veterans. If you see them with their dogs, you'll know that the friendship and the love and the affection and assistance that these dogs provide is invaluable to our injured veterans.

Harry Truman once made the statement, If you want a friend in Washington, D.C., get a dog. I am just trying to make sure by this bill—and we are trying to make sure—that our veterans don't have to leave their friends outside the door.

Mr. FILNER. I have no further requests for time and would be prepared to close once the chairman has no further speakers.

Mr. MILLER of Florida. I have no further requests for time.

Mr. FILNER. I yield myself such time as I may consume.

As I said earlier, this is a bill that has a lot of good things in it, and I wish we had gone further.

I met with the GAO this morning. They said they could follow up reports such as this with an investigation of personnel actions, for example, and could report back to us in terms that don't violate any civil service protections that they would provide a third party kind of review of the personnel actions that may have resulted from their recommendations.

You don't have to answer now, but I would be prepared to work with the chair to request such an investigation, because what we have done here is, in response to the report that said reporting requirements were not met in hundreds of cases at some few selected sites that they examined, merely add new reporting requirements. They didn't follow the first ones, so what good are more reporting requirements going to do?

There have to be some actions on the part of the Veterans Administration that say to our employees, that say to our veterans that there shall be no sexual assaults on our sites. Yet what we're saying here is, oh, we'll add a few more reporting requirements. That doesn't send a message, because we already had the reporting requirements.

Let's try to find a way—and I'll work with the chair to do this—to send a message to our agency, not that we're going to pass another few rules, but that we're going to take this seriously, that we're going to demand that the employees who did not follow what is clearly stated in rules and law about reporting alleged cases of sexual assault be terminated. In my opinion, they ought to have been terminated. This is so serious, and it would have sent such a good message to those who might either perpetrate assault or to those who are victims of such assault.

They should have been terminated. I doubt that they were. I doubt that they were removed from their jobs. I would hope the VA might contradict me, but

I doubt that there was anything more than a note saying they should do better in the future. I hope I'm wrong, but I will tell you that the history of personnel actions in response to acts such as these has not been one that gives confidence to me that we have sent the right message.

So I will work with the chair to do whatever we can to send the right message from this Congress and from the American people that these acts will not be tolerated.

I yield back the balance of my time. Mr. MILLER of Florida. Madam Speaker, I commit to working with the ranking member on the further reporting of these incidents. I would add that this particular piece of legislation does, in fact, incorporate every single recommendation that the GAO gave to this committee in their report.

GENERAL LEAVE

Mr. MILLER of Florida. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. MILLER of Florida. I encourage all Members to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 2074, as amended.

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

The title was amended so as to read: "A bill to amend title 38, United States Code, to require a comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents that occur at medical facilities of the Department of Veterans Affairs, to improve rehabilitative services for veterans with traumatic brain injury, and for other purposes."

A motion to reconsider was laid on the table.

□ 1510

NOTIFYING CONGRESS OF CONFERENCES SPONSORED BY DEPARTMENT OF VETERANS AFFAIRS

Mr. MILLER of Florida. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2302) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to notify Congress of conferences sponsored by the Department of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2302

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

SECTION 1. QUARTERLY REPORTS TO CONGRESS ON CONFERENCES SPONSORED BY THE DEPARTMENT.

(a) *IN GENERAL.*—Subchapter I of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

“§517. Quarterly reports to Congress on conferences sponsored by the Department

“(a) *QUARTERLY REPORTS REQUIRED.*—Not later than 30 days after the end of each fiscal quarter, the Secretary shall submit to the Committee on Veterans’ Affairs of the House of Representatives and the Committee on Veterans’ Affairs of the Senate a report on covered conferences.

“(b) *MATTERS INCLUDED.*—Each report under subsection (a) shall include the following:

“(1) An accounting of the final costs to the Department of each covered conference occurring during the fiscal quarter preceding the date on which the report is submitted, including the costs related to—

“(A) transportation and parking;

“(B) per diem payments;

“(C) lodging;

“(D) rental of halls, auditoriums, or other spaces;

“(E) rental of equipment;

“(F) refreshments;

“(G) entertainment;

“(H) contractors; and

“(I) brochures or other printed media.

“(2) The total estimated costs to the Department for covered conferences occurring during the fiscal quarter in which the report is submitted.

“(c) *COVERED CONFERENCE DEFINED.*—In this section, the term ‘covered conference’ means a conference, meeting, or other similar forum that is sponsored or co-sponsored by the Department of Veterans Affairs and is—

“(1) attended by 50 or more individuals, including one or more employees of the Department; or

“(2) estimated to cost the Department at least \$20,000.”

(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 516 the following:

“517. Quarterly reports to Congress on conferences sponsored by the Department.”

SEC. 2. SUBMISSION OF CERTAIN INFORMATION BY THE SECRETARY OF VETERANS AFFAIRS.

(a) *IN GENERAL.*—Subchapter II of chapter 5 of title 38, United States Code, is amended by inserting after section 529 the following new section:

“§529A. Submission of certain information by the Secretary to Congress

“(a) *IN GENERAL.*—The submission of information by the Secretary to the Committee on Veterans’ Affairs of the House of Representatives or the Committee on Veterans’ Affairs of the Senate in response to a request for such information made by a covered member of the committee shall be deemed to be—

“(1) a covered disclosure under section 552a(b)(9) of title 5; and

“(2) a permitted disclosure under regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), including a permitted disclosure for oversight activities authorized by law as described in section 164.512(d) of title 45, Code of Federal Regulations.

“(b) *SUBMISSION TO CHAIRMAN.*—With respect to a request for information described in subsection (a) made by a covered member of the committee who is not the chairman, the Secretary shall also submit such information to the chairman of the Committee on Veterans’ Affairs of the House of Representatives or the Committee on Veterans’ Affairs of the Senate, as the case may be.

“(c) *COVERED MEMBER OF THE COMMITTEE.*—In this section, the term ‘covered member of the committee’ means the following:

“(1) The chairman or ranking member of the Committee on Veterans’ Affairs of the House of Representatives or the Committee on Veterans’ Affairs of the Senate.

“(2) A chairman or ranking member of a subcommittee of the Committee on Veterans’ Affairs of the House of Representatives or the Committee on Veterans’ Affairs of the Senate.

“(3) The designee of a chairman or ranking member described in paragraph (1) or (2).”

(b) *CONFORMING AMENDMENT.*—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 529 the following new item:

“529A. Submission of certain information by the Secretary to Congress.”

SEC. 3. PUBLICATION OF DATA ON EMPLOYMENT OF CERTAIN VETERANS BY FEDERAL CONTRACTORS.

Section 4212(d) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(3) The Secretary of Labor shall establish and maintain an Internet website on which the Secretary shall publicly disclose the information reported to the Secretary of Labor by contractors under paragraph (1).”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

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

I rise in strong support of H.R. 2302, as amended. It amends title 38, United States Code, that directs the Secretary of the Department of Veterans Affairs to notify Congress of certain conferences sponsored by the VA. It’s a good government bill. It provides additional transparency. It shifts VA and Department of Defense GI Bill reporting requirements from chapter 30 to chapter 33.

This legislation is sponsored by the chairman of our Subcommittee on Economic Opportunity, the gentleman from Indiana (Mr. STUTZMAN). My thanks go out to him as well as the ranking member, Mr. FILNER, and also the ranking member of the subcommittee, Mr. BRALEY of Iowa, for their efforts.

With that, I yield such time as he may consume to the distinguished gentleman from Indiana (Mr. STUTZMAN), chairman of the Subcommittee on Economic Opportunity.

Mr. STUTZMAN. Thank you, Mr. Chairman.

Madam Speaker, H.R. 2302, as amended, contains provisions from three different bills. Section one retains the transparency concepts in the original version of the bill but responds partially to VA’s concerns about the scope of covered conferences by increasing the reporting threshold to conferences costing \$20,000 or more. The catalyst for this provision was a large VA conference held recently in Scottsdale, Arizona, that lasted 11 days and included \$97,000 for consultant services out of a total cost of \$221,500. At a time when

every tax dollar is precious, it is our duty to ensure that VA conferences spend those dollars wisely. This would be an appropriate provision in any economic situation, not just in today’s stagnant economy.

Section 2 includes the provisions of Chairman MILLER’s bill, H.R. 2388, that would streamline the committee’s ability to get information from the VA. It has been our experience that VA incorrectly uses the Health Insurance Portability and Accessibility Act, or HIPAA, to deny or delay providing information needed to resolve our constituents’ cases. This bill would make it clear that requests for information for the committee’s constitutional oversight duties are deemed to be an authorized disclosure under the Privacy Act and HIPAA.

Section 3 includes provisions introduced by the ranking member of the Subcommittee on Disability Assistance and Memorial Affairs, Mr. MCNERNEY, that would require the Department of Labor to include veterans’ employment information submitted by Federal contractors on the Department’s Web site.

Madam Speaker, title 38, United States Code, section 4212 requires Federal contractors to implement an affirmative action plan to hire veterans and to report on the success of that program. It is unfortunate that the Department of Labor, under several administrations, has largely ignored data that shows the extent to which Federal contractors are complying with the law. While I am aware of renewed efforts by the Office of Federal Contractor Compliance to enforce the law, Mr. MCNERNEY’s provision will help focus their attention on this issue, and I thank him for this important provision.

Each of these provisions will increase the transparency of Federal programs and improve our ability to hold the Federal Government accountable for not just funding but also its actions in managing the programs under our jurisdiction. I am also happy to report that my amendment has been scored by CBO as having insignificant costs.

So I urge my colleagues to support H.R. 2302, and I thank Ranking Member BRALEY for his support of the subcommittee’s work.

Mr. FILNER. Madam Speaker, I endorse the arguments just made by the chairman of the subcommittee.

I have no requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. MILLER of Florida. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 2302, as amended.

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

There was no objection.

Mr. MILLER of Florida. I once again encourage all my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 2302, as amended.

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

The title was amended so as to read: "A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to notify Congress of conferences sponsored by the Department of Veterans Affairs, and for other purposes."

A motion to reconsider was laid on the table.

VETERANS' BENEFITS TRAINING IMPROVEMENT ACT OF 2011

Mr. MILLER of Florida. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2349) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to annually assess the skills of certain employees and managers of the Veterans Benefits Administration, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2349

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Benefits Act of 2011".

SEC. 2. ASSESSMENT OF CLAIMS-PROCESSING SKILLS PILOT PROGRAM.

(a) **PILOT PROGRAM.**—Commencing not later than 180 days after the date of the enactment of the Act, in addition to providing employee certification under section 7732A of title 38, United States Code, the Secretary of Veterans Affairs shall carry out a pilot program to assess skills and provide training described under subsection (b).

(b) **BIENNIAL SKILLS ASSESSMENT AND INDIVIDUALIZED TRAINING.**—

(1) **IN GENERAL.**—The Secretary shall—

(A) biennially assess the skills of appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for compensation and pension benefits under the laws administered by the Secretary, including by requiring such employees and managers to take the examination provided under section 7732A(a)(1) of title 38, United States Code; and

(B) on the basis of the results of such assessment and examination, and on any relevant regional office quality review, develop and implement an individualized training plan related to such skills for each such employee and manager.

(2) **REMEDIATION.**—

(A) **REMEDIATION PROVIDED.**—In providing training under paragraph (1)(B), if any employee or manager receives a less than satisfactory result on any portion of an assessment under paragraph (1)(A), the Secretary shall provide such employee or manager with remediation of any deficiency in the skills related to such portion of the assessment and, within a reasonable period following the remediation, shall require the employee or manager to take the examination again.

(B) **PERSONNEL ACTIONS.**—In accordance with titles 5 and 38, United States Code, the Sec-

retary shall take appropriate personnel actions with respect to any employee or manager who, after being given two opportunities for remediation under subparagraph (A), does not receive a satisfactory result on an assessment under paragraph (1)(A).

(c) **LOCATIONS AND DURATION.**—The Secretary shall carry out the pilot program under this section at five regional offices of the Veterans Benefits Administration during the four-year period beginning on the date of the commencement of the pilot program.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section a total of \$5,000,000 for fiscal years 2012 through 2016.

(e) **REPORTS.**—Not later than November 1 of each year in which the pilot program under this section is carried out, the Secretary shall submit to the Committee on Veterans' Affairs of the House of Representatives and the Committee on Veterans' Affairs of the Senate a report on any assessments and training conducted under this section during the previous year. Each such report shall include—

(1) a summary of—

(A) the results of the assessments under subsection (b)(1)(A);

(B) remediation provided under subsection (b)(2)(A); and

(C) personnel actions taken under subsection (b)(2)(B); and

(2) any changes made to the training program under subsection (b)(1)(B) based on the results of such assessments and remediation and the examinations provided under section 7732A(a)(1) of title 38, United States Code.

SEC. 3. EXCLUSION OF CERTAIN REIMBURSEMENTS OF EXPENSES FROM DETERMINATION OF ANNUAL INCOME WITH RESPECT TO PENSIONS FOR VETERANS AND SURVIVING SPOUSES AND CHILDREN OF VETERANS.

(a) **IN GENERAL.**—Paragraph (5) of section 1503(a) of title 38, United States Code, is amended to read as follows:

"(5) payments regarding—

"(A) reimbursements of any kind (including insurance settlement payments) for—

"(i) expenses related to the repayment, replacement, or repair of equipment, vehicles, items, money, or property resulting from—

"(I) any accident (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the equipment or vehicle involved at the time immediately preceding the accident;

"(II) any theft or loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the item or the amount of the money (including legal tender of the United States or of a foreign country) involved at the time immediately preceding the theft or loss; or

"(III) any casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the property involved at the time immediately preceding the casualty loss; and

"(ii) medical expenses resulting from any accident, theft, loss, or casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this clause shall not exceed the costs of medical care provided to the victim of the accident, theft, loss, or casualty loss; and

"(B) pain and suffering (including insurance settlement payments and general damages awarded by a court) related to an accident, theft, loss, or casualty loss, but the amount excluded under this subparagraph shall not exceed an amount determined by the Secretary on a case-by-case basis;"

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.

(c) **EXTENSION OF AUTHORITY TO OBTAIN CERTAIN INFORMATION FROM DEPARTMENT OF TREASURY.**—Section 5317(g) of title 38, United States Code, is amended by striking "2011" and inserting "2013".

SEC. 4. AUTHORIZATION OF USE OF ELECTRONIC COMMUNICATION TO PROVIDE NOTICE TO CLAIMANTS FOR BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) **IN GENERAL.**—Section 5103 of title 38, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking "Upon receipt of a complete or substantially complete application, the" and inserting "The";

(B) by striking "notify" and inserting "provide to"; and

(C) by inserting "by the most effective means available, including electronic communication or notification in writing" before "of any information"; and

(2) in subsection (b), by adding at the end the following new paragraphs:

"(4) Nothing in this section shall require the Secretary to provide notice for a subsequent claim that is filed while a previous claim is pending if the notice previously provided for such pending claim—

"(A) provides sufficient notice of the information and evidence necessary to substantiate such subsequent claim; and

"(B) was sent within one year of the date on which the subsequent claim was filed.

"(5)(A) This section shall not apply to any claim or issue where the Secretary may award the maximum benefit in accordance with this title based on the evidence of record.

"(B) For purposes of this paragraph, the term "maximum benefit" means the highest evaluation assignable in accordance with the evidence of record, as long as such evaluation is supported by such evidence of record at the time the decision is rendered."

(b) **CONSTRUCTION.**—Nothing in the amendments made by subsection (a) shall be construed as eliminating any requirement with respect to the contents of a notice under section 5103 of such title that are required under regulations prescribed pursuant to subsection (a)(2) of such section as of the date of the enactment of this Act.

SEC. 5. DUTY TO ASSIST CLAIMANTS IN OBTAINING PRIVATE RECORDS.

(a) **IN GENERAL.**—Section 5103A(b) of title 38, United States Code, is amended to read as follows:

"(b) **ASSISTANCE IN OBTAINING PRIVATE RECORDS.**—(1) As part of the assistance provided under subsection (a), the Secretary shall make reasonable efforts to obtain relevant private records.

"(2)(A) Whenever the Secretary, after making such reasonable efforts, is unable to obtain all of the relevant records sought, the Secretary shall notify the claimant that the Secretary is unable to obtain records with respect to the claim. Such a notification shall—

"(i) identify the records the Secretary is unable to obtain;

"(ii) briefly explain the efforts that the Secretary made to obtain such records; and

"(iii) explain that the Secretary will decide the claim based on the evidence of record but that this section does not prohibit the submission of records at a later date if such submission is otherwise allowed.

"(B) The Secretary shall make not less than two requests to a custodian of a private record in order for an effort to obtain relevant private records to be treated as reasonable under this section, unless it is made evident by the first request that a second request would be futile in obtaining such records."