

Who is trying to play God here are the Members on the other side of the aisle who wish to deny women who have worn the cloth of this country, who have served our country, who fought for all of our freedoms, to deny them the freedom to be able to consider the full range of medical procedures that they need in order to preserve their own life.

What is extreme here is that they want to deny women to even be able to access abortion counseling, counseling which may save their lives.

Madam Speaker, I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I think it is important to realize that DOD actually follows the Hyde amendment, which is rape, incest, and the life of the mother, which is exactly what the chairman just quoted.

What the VA does is rape, incest, and life and health, including mental health, of the mother, which can be a claim that maybe I am under stress, all of these things. That is why we need clarification. Not only do we need clarification, but we need to follow the law.

The argument that the other law allows the VA Secretary to make these decisions, it never mentioned abortion in there. I think that would have done that.

Madam Speaker, I am encouraging my Members to vote "no" on this bill. I would love to be able to vote on this bill when we get this problem straightened out. I believe our veterans deserve to have the other benefits that are here and available in the bill.

As everybody knows, I did vote for it in the other form before the VA stepped down this path.

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

Mr. TAKANO. Madam Speaker, again, I ask for my colleagues to join me in passing S. 1198.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, S. 1198.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

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

STRENGTHENING WHISTLEBLOWER PROTECTIONS AT THE DEPARTMENT OF VETERANS AFFAIRS ACT

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the

bill (H.R. 8510) to amend title 38, United States Code, to make certain improvements to the Office of Accountability and Whistleblower Protection of the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8510

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 "Strengthening Whistleblower Protections at the Department of Veterans Affairs Act".

SEC. 2. COUNSEL OF OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.

Subsection (e) of section 323 of title 38, United States Code, is amended—

(1) by inserting "(1)" before "The Office"; and

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

"(2) The Assistant Secretary shall appoint a Counsel of the Office, who shall be a career appointee in the Senior Executive Service and shall report to the Assistant Secretary. The Counsel shall provide the Assistant Secretary with legal advice on all matters relating to the Office. In accordance with subsection (e), the Assistant Secretary may hire the appropriate staff for the Counsel to provide such legal advice."

SEC. 3. MODIFICATIONS TO FUNCTIONS OF OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.

Subsection (c)(1) of such section is amended—

(1) by striking subparagraphs (A) and (B);

(2) by redesignating subparagraphs (C) through (G) as subparagraphs (A) through (E), respectively;

(3) in subparagraph (A), as so redesignated, by inserting "and allegations of whistleblower retaliation" after "disclosures";

(4) by striking subparagraph (B), as so redesignated, and inserting the following new subparagraph:

"(B) Referring employees of the Department to the Office of Special Counsel so the Office of Special Counsel may receive whistleblower disclosures and allegations of whistleblower retaliation."; and

(5) by striking subparagraphs (H) and (I).

SEC. 4. EXPANSION OF WHISTLEBLOWER PROTECTIONS.

(a) CLARIFICATION OF PROHIBITED PERSONNEL ACTION.—Section 731(c) of such title is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ", or threatening to take or fail to take," after "failing to take"; and

(B) in subparagraph (A), by inserting ", or with respect to an allegation of such a disclosure" before the semicolon;

(2) in paragraph (3), by inserting ", making a referral to boards of licensure," after "negative peer review".

(b) FUNCTION OF OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.—Section 323(g) of such title is amended by adding at the end the following new paragraph:

"(4) The term 'prohibited personnel action' has the meaning given such term in section 731(c) of this title."

SEC. 5. TRACKING AND ENFORCEMENT OF RECOMMENDATIONS AND SETTLEMENT AGREEMENTS REGARDING WHISTLEBLOWERS.

Subsection (c) of section 323 of such title, as amended by section 4, is further amended—

(1) in paragraph (1), by adding at the end the following new subparagraphs:

"(I) Tracking the negotiation, implementation, and enforcement of settlement agreements entered into by the Secretary regarding claims of whistleblower retaliation, including with respect to the work of the General Counsel of the Department regarding such settlements.

"(J) Tracking the determinations made by the Special Counsel regarding claims of whistleblower retaliation, including—

"(i) any disciplinary action for the individual who engaged in whistleblower retaliation; and

"(ii) determinations regarding the need for settlement as identified by the Special Counsel, and any settlement resolving claims of whistleblower retaliation entered into by the Secretary with the whistleblower."; and

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

"(4)(A) In carrying out subparagraph (I) of paragraph (1), the Assistant Secretary shall, in consultation with the General Counsel, establish metrics and standards regarding—

"(i) the timely implementation of settlement agreements entered into by the Secretary regarding whistleblower retaliation; and

"(ii) reasonable restitution and restoration of employment, and other relief for whistleblowers; and

"(B) The Assistant Secretary shall establish a secure electronic system to carry out subparagraphs (I) and (J) of paragraph (1) in a manner that ensures the confidentiality of the identity of a whistleblower."

SEC. 6. TRAINING AND INFORMATION.

Section 323 of such title is further amended—

(1) in subsection (c)(2), by striking "receive anonymous whistleblower disclosures" and inserting "provide information to employees of the Department regarding the rights of and procedures for whistleblowers";

(2) by redesignating subsection (g) as subsection (i); and

(3) by inserting after subsection (f) the following new subsections:

"(g) TRAINING.—The Assistant Secretary shall—

"(1) develop, in consultation with the Special Counsel, annual training on whistleblower protection and related issues;

"(2) provide and make such training available to employees of the Department; and

"(3) disseminate training materials and information to employees on whistleblower rights, whistleblower disclosures, and allegations of whistleblower retaliation, including any materials created pursuant to section 733 of this title."

SEC. 7. IMPROVEMENTS TO ANNUAL REPORTS.

Subsection (f) of section 323 of such title is amended—

(1) in paragraph (1)(B)(ii), by striking "subsection (C)(1)(G)" and inserting "subsection (c)(1)(E)";

(2) in paragraph (2)—

(A) by striking "under subsection (c)(1)(I)" and inserting "by the Special Counsel"; and

(B) by inserting "not later than 60 days after such date" before "the Secretary shall"; and

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

"(3) Not later than June 30, 2023, and semi-annually thereafter, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on settlements described in paragraph (1)(I) of subsection (c), including, with respect to the period covered by the report—

"(A) the number of settlements under negotiation or executed, and the number of executed settlements that have not been fully implemented;

“(B) the explanation as to why any such executed settlement has not been fully implemented;

“(C) a description of the metrics described in paragraph (4)(A) of such subsection; and

“(D) identification of settlement agreements that are not meeting such metrics and standards, or for which the Assistant Secretary is aware of a determination that a breach of agreement has been found.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 8510, as amended.

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

There was no objection.

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

Madam Speaker, H.R. 8510, as amended, the Strengthening Whistleblower Protections at the Department of Veterans Affairs Act, is an important bill that will protect and support VA employees who report wrongdoing within the Department.

I commend Representatives CHRIS PAPPAS and TRACEY MANN, the chairman and ranking member of our Subcommittee on Oversight and Investigations, for their work over the past few years on this issue.

The subcommittee has been tireless in its examination of VA policies and procedures for protecting whistleblowers and disciplining those who retaliate against them. When retaliation occurs, VA must make whole a whistleblower who was unfairly punished for speaking truth to power. This is not only the right thing to do; it is the law.

During the subcommittee's hearings on this issue, we heard firsthand accounts from several individuals who experienced long waits for justice despite confirmed findings of retaliation. VA can and must do more to protect whistleblowers.

I support Chairman PAPPAS and Ranking Member MANN's bipartisan legislation. It would promote independence and strengthen the mission of VA's Office of Accountability and Whistleblower Protection.

It would also streamline duplicative investigations and send a clear message that retaliation against those who report wrongdoing will not be tolerated.

This bill has the support of several national organizations that advocate on behalf of government whistleblowers and was favorably reported by the full Veterans' Affairs Committee last week.

Madam Speaker, I urge all of my colleagues to support this legislation, and I reserve the balance of my time.

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

Madam Speaker, I rise today in support of H.R. 8510, as amended.

Following the access scandal of 2014, Congress enacted the VA Accountability Act. The Accountability Act is meant to make it easier for VA to hold bad employees responsible for their actions. The law also created a new VA office intended to protect whistleblowers and conduct investigations.

Unfortunately, this office has never lived up to the standard that whistleblowers deserve. In 2021, 80 percent of the OAWP recommendations for discipline were ignored by the VA. It is time to refocus their mission.

H.R. 8510, as amended, would require VA employees with complaints to be referred to the Office of Special Counsel. The OSC is an independent office which has the authority to receive, manage, and investigate allegations of whistleblower retaliation at the VA.

The OSC has a respected history of conducting objective investigations. As such, I am convinced that the OSC will do a better job of holding senior VA employees accountable than the OAWP.

This bill was drafted with valuable input from stakeholders and enjoys broad support.

Madam Speaker, I am pleased that Congressman PAPPAS and Congressman MANN have come together to author this important bipartisan proposal, and I urge my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, I yield 5 minutes to the gentleman from New Hampshire (Mr. PAPPAS), the chairman of the Subcommittee on Oversight and Investigations for the Veterans' Affairs Committee.

Mr. PAPPAS. Madam Speaker, I rise in support of my bipartisan legislation, H.R. 8510, the Strengthening Whistleblower Protections at the Department of Veterans Affairs Act.

It is a bill that improves policies and procedures to better protect VA whistleblowers. It also promotes independence and removes conflicts of interest at VA's Office of Accountability and Whistleblower Protection.

Whistleblowers play a critical role in holding the Federal Government and its agencies accountable for waste, fraud, abuse, and mismanagement. When employees of the Department of Veterans Affairs witness issues that put the health, safety, and well-being of veterans at risk, VA staff should feel encouraged to speak out without fear of retaliation. This would encourage corrective action to be taken and no harm to the whistleblower.

In reality, however, too often the messenger is punished. The Subcommittee on Oversight and Investigations that I chair has done years of work on this issue.

Alongside Ranking Member TRACEY MANN, we have conducted multiple

hearings looking into this problem. Our efforts have highlighted the individual stories of whistleblowers who have lost their jobs or faced other retaliatory actions as a result of their disclosures.

Further, whistleblowers often wait years to be made whole after experiencing retaliation under current Department policies and procedures.

The testimony from three previous VA employees disclosed VA whistleblowers are likely to face retaliation, including the loss of their position, and are forced to wait years for justice.

This bipartisan bill will make major changes to how whistleblower claims are handled, strengthening accountability through the process. The bill ends VA's authority to investigate whistleblower retaliation complaints and, instead, relies on the independent U.S. Office of Special Counsel to ensure objectivity over the process.

OSC is an independent Federal investigative agency that has high trust within the whistleblower community. They have the resources and autonomy needed to do this work.

It will also require VA's Office of Accountability and Whistleblower Protection to strengthen accountability over settlement agreements for VA employees who suffered retaliation which provide financial restitution and guarantees of reemployment.

Further, the bill will reaffirm OAWP's responsibility to provide resources to VA employees on whistleblower rights, including training. These reforms will ensure whistleblowers feel safe reporting issues within the Department.

We can't continue to allow whistleblowers to be punished for speaking out, and we have to make sure we are doing all we can to protect VA whistleblowers. It is not only the law; it is also the right thing to do to protect whistleblowers from retaliation.

My colleague and ranking member of the Subcommittee on Oversight and Investigations, Congressman TRACEY MANN, co-led this bill with me to promote independence and strengthen the mission of VA's whistleblowers office. I thank Congressman MANN and his staff for their dedication and hard work on this issue.

I thank all the members of the Veterans' Affairs Committee for their support of this bill last week, and I appreciate the support from the whistleblower advocacy groups, including the Project on Government Oversight, the Whistleblowers of America, and the Government Accountability Project, as well as VA's labor union, AFGE.

□ 2100

So once this is enacted, this bill will ensure that the protections are on the books at the Department of Veterans Affairs that will strengthen independence and the mission of VA's whistleblower office.

Madam Speaker, I urge the full House to support passage.

Mr. BOST. Madam Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MANN), my good friend, who has worked so hard on this issue.

Mr. MANN. Madam Speaker, I rise today in support of legislation that I co-introduced with Congressman PAPPAS, H.R. 8510, the Strengthening Whistleblower Protections at the Department of Veterans Affairs Act.

Holding government accountable requires reasonable whistleblower protection. VA employees take a risk when exposing fraud, corruption, or any wrongdoing of any kind, and they deserve to have their claims investigated, and to have protection from retaliation.

The VA's Office of Accountability and Whistleblower Protection was created with good intentions but has never lived up to the expectations of whistleblowers or of this Congress. In 2021, 80 percent of all the disciplinary recommendations that OAWP made were either changed or simply ignored. Here are just two examples of the many troubling stories that my colleagues and I have heard during our hearings.

At one facility, OAWP recommended a range of discipline from 12-day suspension to removal for three supervisors who engaged in whistleblower retaliation. VA officials disagreed, however, and the individuals received no disciplinary action.

At another facility, OAWP recommended a range of discipline from demotion to removal for an individual who retaliated against and harassed an employee. VA officials believed the file lacked certain testimony and evidence and the individual received no disciplinary action.

Despite the efforts of many dedicated VA staff, these cases, and others like them, highlight the need for a change in OAWP's roles and responsibilities. Veterans, whistleblowers, and taxpayers deserve better. H.R. 8510 would remove OAWP's investigative authority, and instead, direct OAWP to refer whistleblowers to the Office of Special Counsel, an independent agency, which has a much better track record for whistleblower investigations. This bill would also require OAWP to track settlement negotiations and agreements between VA employees and the Department and refocus the office on providing training to employees on whistleblower rights.

This legislation is an example of the good that Congress can do when we work together. I look forward to its swift passage through the House, and I urge my colleagues to support this important bill.

Mr. TAKANO. Madam Speaker, I have no further speakers, I am prepared to close, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I encourage all my colleagues to support this bill, and I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, I ask all my colleagues to join me in passing

H.R. 8510, as amended, the Strengthening Whistleblower Protections at the Department of Veterans Affairs Act, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, H.R. 8510, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

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

SUPPORTING FAMILIES OF THE FALLEN ACT

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (S. 2794) to amend title 38, United States Code, to increase automatic maximum coverage under the Servicemembers' Group Life Insurance program and the Veterans' Group Life Insurance program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2794

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 "Supporting Families of the Fallen Act".

SEC. 2. INCREASE IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Section 1967(a)(3)(A)(i) of title 38, United States Code, is amended by striking "\$400,000" and inserting "\$500,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the later of—

(1) the date that is 60 days after the date of the enactment of this Act; or

(2) the date on which the Secretary of Veterans Affairs determines that—

(A) the amount for which a member will be insured pursuant to the amendment made by subsection (a) and the premiums for such amount are administratively and actuarially sound for the Servicemembers' Group Life Insurance program under subchapter III of chapter 19 of title 38, United States Code, and the Veterans' Group Life Insurance program under section 1977 of such title; and

(B) the increase in such amount carried out pursuant to the amendment will not result in such programs operating at a loss.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 2794.

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

There was no objection.

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

Madam Speaker, life insurance is designed to offer protection from loss and serves as a death benefit. For a veteran or servicemember, VA's Veterans' Group Life Insurance offers security and confidence that loved ones will be covered and made financially whole in the event a source of income is lost.

While no amount of money can replace the life of a beloved family member, VA's Servicemembers' and Veterans' Group Life Insurance exists to provide an affordable option to provide a fiscal shield for survivors.

Neither insurance program has experienced a coverage limit increase since 2005. This bill increases the maximum amount of coverage for Servicemembers' and Veterans' Group Life Insurance by \$100,000, which means expanded coverage of up to \$500,000 for each option.

Madam Speaker, I support this bill, I urge all of my colleagues to do the same, and I reserve the balance of my time.

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

Madam Speaker, I rise today in support of S. 2794, the Supporting Families of the Fallen Act.

I thank Senator TUBERVILLE and Congressman ROY for leading this effort in the Senate and the House, respectively.

This bill makes much-needed updates to the coverage amounts for the Servicemembers' Group Life Insurance and the Veterans' Group Life Insurance program.

Specifically, this bill would allow VA to raise the max payment for both programs from \$400,000 to \$500,000. An additional \$100,000 would make it easier for surviving spouses to keep a roof over their family's head and food on the table following the loss of their loved one.

As many of you know, VA's life insurance programs may be the only affordable option available to servicemembers and veterans. This is because some veterans may not be eligible for private life insurance due to the added risk of military service or because they have a service-connected disability, like PTSD or cancer.

When we send our military into harm's way, VA insurance programs provide them and their families with financial security. However, the max rate of \$400,000, which was established in 2005, does not meet the needs of today's survivors.

Since 2005, American families have seen the cost of living continuously rise. This is especially true right now due to historic inflation under the Biden administration.