

Neguse	Rush	Swalwell
Newman	Ryan (NY)	Takano
Norcross	Ryan (OH)	Thompson (CA)
O'Halloran	Sánchez	Thompson (MS)
Ocasio-Cortez	Sarbanes	Titus
Omar	Scanlon	Tlaib
Pallone	Schakowsky	Tonko
Panetta	Schiff	Torres (CA)
Pappas	Schneider	Torres (NY)
Pascarella	Schrader	Trahan
Payne	Schrier	Trone
Peltola	Scott (VA)	Underwood
Perlmutter	Scott, David	Vargas
Peters	Sewell	Veasey
Phillips	Sherman	Velázquez
Pingree	Sherrill	Wasserman
Pocan	Sires	Schultz
Porter	Slotkin	Waters
Pressley	Smith (WA)	Watson Coleman
Price (NC)	Soto	Welch
Quigley	Spanberger	Wexton
Raskin	Speier	Wild
Rice (NY)	Stansbury	Williams (GA)
Ross	Stanton	Wilson (FL)
Roybal-Allard	Stevens	Yarmuth
Ruiz	Strickland	
Ruppersberger	Suozi	

NAYS—201

Aderholt	Gibbs	Moore (AL)
Allen	Gimenez	Moore (UT)
Amodei	Gohmert	Mullin
Armstrong	Gonzales, Tony	Murphy (NC)
Arrington	Good (VA)	Nehls
Babin	Gooden (TX)	Newhouse
Bacon	Gosar	Norman
Baird	Granger	Obernolte
Balderson	Graves (LA)	Owens
Banks	Graves (MO)	Palazzo
Barr	Green (TN)	Palmer
Bentz	Greene (GA)	Pence
Bergman	Griffith	Perry
Bice (OK)	Grothman	Pfluger
Biggs	Guest	Posey
Bilirakis	Guthrie	Reschenthaler
Bishop (NC)	Harris	Rice (SC)
Boebert	Harshbarger	Rodgers (WA)
Bost	Hern	Rogers (AL)
Brady	Herrell	Rogers (KY)
Brooks	Herrera Beutler	Rose
Buchanan	Hice (GA)	Rosendale
Bucshon	Higgins (LA)	Rouzer
Budd	Hill	Roy
Burchett	Hollingsworth	Rutherford
Burgess	Hudson	Salazar
Calvert	Huizenga	Scalise
Cammack	Issa	Schweikert
Carey	Jackson	Scott, Austin
Carl	Jacobs (NY)	Sempolinski
Carter (GA)	Johnson (LA)	Sessions
Carter (TX)	Johnson (OH)	Simpson
Cawthorn	Johnson (SD)	Smith (MO)
Chabot	Jordan	Smith (NE)
Cline	Joyce (OH)	Smith (NJ)
Cloud	Joyce (PA)	Smucker
Clyde	Katko	Spartz
Cole	Keller	Stauber
Comer	Kelly (PA)	Steel
Crawford	Kim (CA)	Stefanik
Crenshaw	Kustoff	Steil
Curtis	LaHood	Steube
Davidson	LaMalfa	Stewart
Diaz-Balart	Lamborn	Taylor
Donalds	Latta	Tenney
Duncan	LaTurner	Thompson (PA)
Dunn	Lesko	Tiffany
Ellzey	Letlow	Timmons
Emmer	Loudermilk	Turner
Estes	Lucas	Upton
Fallon	Luetkemeyer	Valadao
Feenstra	Mace	Van Drew
Ferguson	Malliotakis	Van Duyn
Finstad	Mann	Wagner
Fischbach	Massie	Walberg
Fitzgerald	Mast	Waltz
Fitzpatrick	McCarthy	Weber (TX)
Fleischmann	McCaul	Webster (FL)
Flood	McClain	Wenstrup
Flores	McClintock	Westerman
Foxx	McHenry	Williams (TX)
Franklin, C.	Meijer	Wilson (SC)
Scott	Meuser	Wittman
Fulcher	Miller (IL)	Womack
Gaetz	Miller (WV)	Yakym
Gallagher	Miller-Meeks	Zeldin
Garbarino	Moolenaar	
Garcia (CA)	Mooney	

NOT VOTING—12

Buck	DesJarlais	Kelly (MS)
Cheney	Gonzalez (OH)	Kinzinger
Conway	Hartzler	Long
Davis, Rodney	Hinson	McKinley

□ 1023

Mr. HUIZENG changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Auchincloss (Beyer)	Ferguson (Gonzales)	Moulton (Trone)
Axne (Pappas)	Tony (TX)	Newman (Correa)
Beatty (Neguse)	Gibbs (Smucker)	Norcross (Pallone)
Boebert (Gaetz)	Gosar (Weber (TX))	O'Halloran (Pappas)
Brooks (Moore (AL))	Herrera Beutler (Valadao)	Omar (Beyer)
Brown (MD)	Issa (Calvert)	Palazzo (Fleischmann)
(Evans)	Jacobs (NY)	Pascarella (Pallone)
Bustos (Schneider)	(Sempolinski)	Payne (Pallone)
Carter (LA)	Johnson (TX)	Porter (Beyer)
(Horsford)	(Pallone)	Pressley (Neguse)
Cawthorn (Gaetz)	Kelly (IL)	Rice (SC) (Weber (TX))
Cherfilus-McCormick (Brown (OH))	(Horsford)	Rush (Beyer)
Cicilline (Jayapal)	Khanna (Pappas)	Sewell (Schneider)
Cleaver (Davids (KS))	Kim (NJ)	Sherrill (Beyer)
Cuellar (Correa)	(Pallone)	Simpson (Fulcher)
DeFazio	Kirkpatrick (Pallone)	Sires (Pallone)
(Pallone)	Krishnamoorthi (Pappas)	Speier (Garcia (TX))
DelBene	LaHood (Kustoff)	Stevens (Craig)
(Schneider)	Larson (CT)	Stewart (Owens)
Dingell (Pappas)	(Pappas)	Strickland (Correa)
Doyle, Michael F. (Evans)	Lawrence (Garcia (TX))	Suozi (Correa)
Duncan	Letlow (Moore (UT))	Tiffany (Fitzgerald)
(Williams (TX))	Levin (CA)	Titus (Pallone)
Dunn (Salazar)	(Huffman)	Trahan (Lynch)
Escobar (Garcia (TX))	Malliotakis (Armstrong)	Welch (Pallone)
Espallat (Correa)	Maloney, Sean P. (Beyer)	Wilson (FL) (Evans)
	Mfume (Evans)	

VA EMPLOYEE FAIRNESS ACT OF 2021

Mr. TAKANO. Madam Speaker, pursuant to House Resolution 1518, I call up the bill (H.R. 1948) to amend title 38, United States Code, to modify authorities relating to the collective bargaining of employees in the Veterans Health Administration, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1518, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-71 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1948

Be it enacted by the Senate and House of Representatives of the United States of America
SECTION 1. SHORT TITLE.

This Act may be cited as the “VA Employee Fairness Act of 2021”.

SEC. 2. MODIFICATION OF AUTHORITIES ON COLLECTIVE BARGAINING OF EMPLOYEES OF THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—Section 7422 of title 38, United States Code, is amended—

(1) by striking subsections (b), (c), and (d); and

(2) by redesignating subsection (e) as subsection (b).

(b) RULE OF CONSTRUCTION.—The amendments made by subsection (a) may not be construed to affect the authorities of the Secretary of Veterans Affairs regarding incentive pay and expedited hiring under section 706 of title 38, United States Code, or other similar provisions of law.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Veterans' Affairs or their respective designees.

The gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 30 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 to insert extraneous material on H.R. 1948, 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, I rise in support of my bill, H.R. 1948, as amended, the bipartisan VA Employee Fairness Act. This legislation ensures important collective bargaining rights for all frontline healthcare workers who care for our veterans.

As chairman of the House Committee on Veterans' Affairs, I have made veterans' healthcare one of my top priorities. I know my colleagues on both sides of the aisle strongly support our veterans and the benefits they earn.

This bill presents an opportunity to match words with action. The VA Employee Fairness Act will ensure critical protections for the healthcare workers serving our veterans.

As a Nation, we must invest in these frontline workers at VA hospitals. Our veterans need modern, well-designed hospital and clinical buildings equipped with the latest, most advanced medical devices and equipment and stocked with adequate medical supplies.

□ 1030

However, all this means little without a well-trained workforce ready to serve our veterans. That is why collective bargaining is vital.

Frontline healthcare workers deserve the right to organize themselves. They deserve to have a voice. VA nurses or technicians should be able to point out wrongdoing without fear of losing their job or other forms of retaliation.

All of this sounds like common sense, and it is, and this is what collective bargaining is all about.

My bill will bring parity to the Federal workforce by ensuring full collective bargaining rights for all VA employees.

Under current law, almost all Federal employees have basic worker protections through collective bargaining. They can become members of a labor union. They have a way to raise grievances and seek redress. They are allowed to have the support of union representatives. This has long been part of the fabric of the Federal workforce.

But there is one glaring exception. Many of the frontline healthcare workers within VA hospitals and clinics are barred from collective bargaining.

Title 38 healthcare professionals, such as registered nurses, physicians, dentists, and physician assistants, do not have the same rights as the psychologists, social workers, pharmacists, and licensed practical nurses who work side by side with them.

I will note that the same professionals at Department of Defense hospitals have collective bargaining rights. You heard that right. A registered nurse has collective bargaining rights at DOD but not a registered nurse at VA. This is the kind of legal contortion that should be fixed.

This probably sounds arbitrary, and it is. A list was written up by Congress years ago and depending on your specialty of nursing care or other occupation, someone taking care of veterans is either able to have full rights as an employee or not, and this only happens at VA healthcare facilities.

The bill is cosponsored by 218 of our congressional colleagues, and it has the support from those who represent frontline VA healthcare workers, including the American Federation of Labor and Congress of Industrial Organizations, National Nurses United, National Federation of Federal Employees, National Association of Government Employees, Service Employees International Union, the National Veterans Affairs Council, and a dozen other national labor unions. Further, this bill has the endorsement of Vietnam Veterans of America and The American Legion.

I wish to point out what VA said in its testimony when my committee held a legislative hearing on it last year. "Secretary McDonough has stated publicly and to our workforce that a unionized workforce is a strong workforce. Collective bargaining is a powerful means for a strong workforce which is VA's number one asset as we work toward increasing access and outcomes for veterans, their families, caregivers, and survivors. VA supports organized labor and values in the collective bargaining process with our labor partners."

I agree. This is about building and maintaining a strong workforce, a workforce dedicated to serving our veterans. I will share a real-world example of the importance of collective bargaining at VA.

In an issue that rose to U.S. District Court, the Central Texas VA

Healthcare System failed to pay nurse practitioners and physician assistants overtime. When the healthcare workers demanded what was due to them, VA resisted.

The case was arbitrated in favor of the employees, but VA then used its authority under title 38 to argue that the grievance should not be addressed.

There is nothing fair about that.

This outdated provision in Federal law has become an excuse for VA to deny workers the benefits they have rightfully earned. Stories like these hardly represent an incentive for nurses to remain in the Department.

H.R. 1948, as amended, will ensure that VA employees have the ability to seek redress when VA does not follow its own rules and policies.

Some of my colleagues will argue that this means labor unions will start making veteran healthcare decisions, but this is, quite simply, not the case. Under Federal law, VA healthcare workers do not have this power. No Federal healthcare worker with collective bargaining rights has this power. Nor do their labor unions.

In fact, the current law stipulates that Federal employees with collective bargaining rights are limited in what they can bargain for.

Unlike in the private sector, Federal workers who have collective bargaining rights cannot strike, and they cannot bargain over their level of pay. Pay levels are set by the civil service pay grades each year and are not subject to collective bargaining.

Title 38 employees should have the same rights as those governed by title 5. Title 38 employees should have the same rights as their colleagues with whom they work side by side serving our veterans. H.R. 1948, as amended, is all about fairness for VA's frontline workers.

VA is going to be ramping up hiring over the next 5 years as it welcomes 3.5 million more veterans into the VA healthcare system after the passage of the Honoring our PACT Act. In order to attract the most qualified workforce to serve our veterans, we need to ensure that VA is a great place to work.

The employees who are on the front lines of our Nation's veterans' healthcare deserve and need basic worker protections. A VA nurse needs to be able to ask that their pay errors will be resolved. A doctor must feel empowered to raise medical safety concerns without fear of reprisal or retaliation. Without these protections, VA will continue to struggle to recruit and retain the best and brightest medical professionals that our country has to offer, and I fear that veterans' health and well-being will suffer as a result.

This is about fairness, and I am pleased that the administration agrees and has issued a statement in support of this legislation.

Madam Speaker, I include in the RECORD the Statement of Administration Policy.

STATEMENT OF ADMINISTRATION POLICY

H.R. 1948—VA EMPLOYEE FAIRNESS ACT OF 2022—

REP. TAKANO, D-CA, AND 218 COSPONSORS

The Administration supports House passage of H.R. 1948, the VA Employee Fairness Act of 2022, to expand collective bargaining opportunities for covered Federal employees.

The Biden-Harris Administration supports worker organizing and empowerment as critical tools to grow the middle class and build an inclusive economy. The Federal government, consistent with its obligations to serve the public, can be a model employer in this regard.

The Department of Veterans Affairs (VA) is responsible for the delivery of safe, effective, and timely patient care for our veterans, and dedicated VA employees work tirelessly to support our veterans' health needs, including in combating COVID-19.

The Administration is committed to continuing to work with Congress to support hard-working employees while protecting veterans' access to the care and services that they have earned through service to the Nation.

Mr. TAKANO. Madam Speaker, in closing, I urge my colleagues to support H.R. 1948, as amended, the VA Employee Fairness Act. It represents the right thing to do for those who care about our Nation's veterans. I wholeheartedly support this bill, and I urge my colleagues to vote for its passage. 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 opposition to H.R. 1948 and the VA Employee Fairness Act.

First, I really think that we need to take a moment to clear up some very confusing things on what this bill does.

Some have said that the VA medical staff are not allowed to unionize. That is not true. That is not true. Today, VA doctors, nurses, and dentists are allowed to collective bargain. Hundreds of thousands of medical staff are unionized.

But they are not specifically allowed to use union grievances procedures for matters of, and I will quote the law, direct patient care, clinical competence, peer review, and pay. These very specific exceptions were made for a reason.

The Secretary is responsible for ensuring veterans receive high-quality and timely healthcare. To do that, he or she must have the authority to make difficult decisions to keep hospitals running safely and to put veterans first. That is the Secretary's first mission, and he or she must continue to provide care even in the worst of times.

However, H.R. 1948 will tie the Secretary's hands, and I worry enactment of this legislation would put patients at risk. Let me say that again. Put patients at risk. The main goal of the VA is to take care of our veterans.

Now, for example, the Secretary may remove a provider from direct patient care because the care they are performing is substandard. I fear this bill would allow a third-party arbitrator to second guess—to second guess from a position that they are not trained in

the field that they are trying to second guess—the Secretary's decision to remove that provider from direct patient care.

My colleagues on the other side of the aisle will argue that this is not going to happen, yet not one of them can say with 100 percent confidence that that is not the case. In fact, it may happen. Unfortunately, bad actors and subpar providers do exist, and when they harm veterans or pose a risk, they need to be removed from patient care quickly.

It is also not hard to believe that the expanded grievance process envisioned by this bill could paralyze hospitals over the issue of patient care, clinical competence, and pay.

In that scenario, care would be delayed; wait times would increase; critical illnesses would go undiagnosed; costs would go up; most importantly, veterans would suffer.

And the Secretary would fail to carry out the VA's first mission and responsibility to our veterans.

This is exactly why medical staff at major healthcare systems like Mayo Clinic, Kaiser, Intermountain Healthcare, and the Cleveland Clinic are generally not unionized and do not allow arbitration to be used over patient care.

Neither should VA. The care of my fellow veterans must come before everything else.

Now, I am going to tell you this because you need to know. I, myself, was a union firefighter, and I come from a union family, so I believe in our unions, and my concerns about H.R. 1948 do not mean I am blind to issues raised by unions at the VA.

Allegations that the Secretary is abusing his authority are something that I take very seriously. It is the job of this committee to conduct aggressive oversight to ensure veterans get the care that they need, and the VA workforce is treated fairly.

Unfortunately, my friends on the other side of the aisle did not take a critical look at the Secretary's use of his authority; there was no oversight hearing, there were no public investigations, no work to address the allegations made by the unions. Instead, my colleagues have moved forward to pass sweeping legislation to turn over Congress' responsibility to arbitrators. I can't support that.

Madam Speaker, I urge my colleagues to put veterans first and oppose this legislation. I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume. Before I yield to the gentleman from Texas (Mr. GREEN), I would like to rebut some of the points that the gentleman from Illinois (Mr. BOST), my good friend, has made.

I believe that the gentleman from Illinois is misreading the law. H.R. 1948 will not allow the types of impacts that he has described. H.R. 1948 amends section 7422 of title 38. This is true.

However, it is title 5 statutes overall that define the scope of collective bargaining for Federal workers.

Most importantly, title 5 states that collective bargaining does not include policies, practices, and matters "to the extent that such matters are specifically provided by Federal statute."

There are many laws which define the scope of collective bargaining. For example, if H.R. 1948 were enacted, title 38 section 7464 of the United States Code is still on the books. This law controls disciplinary appeals boards. I remind my colleagues that H.R. 1948 would only allow unions to grieve items under its contract with the department, and if it is not in the contract, a grievance cannot occur.

Furthermore, my colleague from Illinois (Mr. BOST) has made the assertion that doctors and nurses don't have collective bargaining rights outside of VA, or he pointed out a specific example of the Mayo Clinic. There are many, many wonderful, great, effective medical organizations that do have employee unions as part of their workforce, and so what he is stating is simply not true.

Hundreds of thousands of registered nurses and advanced practice registered nurses, including nurse practitioners, are represented by labor unions and have full collective bargaining rights. Full collective bargaining rights. We are not talking about full collective bargaining rights in this particular instance of H.R. 1948.

There are whole unions for physicians and dentists that have existed for more than 50 years, and this includes many hospitals in New York and California. At UC San Francisco, over 5,000 nurses are represented by National Nurses United, and doctors are represented by Committee of Interns and Residents, which is part of SEIU.

□ 1045

Furthermore, DOD healthcare clinicians have collective bargaining rights, including nurses and physicians.

Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GREEN), my good friend and cosponsor of H.R. 1948, a member of the Committee on Financial Services, chairman of the Subcommittee on Oversight and Investigations. He also serves on the Homeland Security Committee.

Mr. GREEN of Texas. Madam Speaker, I greatly appreciate the gentleman according me the time. I thank the ranking member for being here, a dear friend, as well.

Madam Speaker, and still I rise. I rise today as the Representative of those persons who work in the VA hospital in Houston, Texas, known as the Michael E. DeBakey hospital, one of the finest, in my opinion, because it is in my Congressional district, the finest VA hospital in the world.

I go there quite regularly. In fact, annually, we go into that hospital and we deliver flags to every veteran that is in the hospital. We will order a thousand

flags this year to deliver to the hospital.

We give them a copy of the Constitution. We work with not only the administration but also the nurses and the doctors at the hospital. We are there for celebrations. We are actively involved with the VA.

This is one of the reasons why I believe I have some insight as to H.R. 1948. I support it fully, and I do so because it is the thing that every employee here has in our offices.

I shouldn't say every. If you are in management, I think you may be excluded.

But I voted for that to give them the right to organize, and I am talking about here in Congress. I also am a member of a labor union, Local 1550. I am a dues checkoff member. So it would be completely anathema to my philosophy for me to conclude that these nurses and these physicians should be denied rights that I have, when I'm a part of a labor union, or others do—and right here in Congress we have people with these rights—it would just be out of character for me.

That is just not all of it. I understand the importance and the value of the right to organize and to bring to the attention of people who can make a difference some of the issues that are impacting patients that the administration won't be aware of. And there are many people who won't want to speak up simply because they fear retribution.

The right to organize is the right to speak up and understand that you can do so without retribution.

I would also add that this right to organize does not accord the workers the right to strike. They are not going to go on strike. They are not going to shut down a VA hospital. They are not going to have the ability to cause the management to have to take some extreme measures. This is just to give people the opportunity to talk about the things that are important to the patients.

We are really doing something for the patients today. We are giving them more power by allowing the workers to organize.

Madam Speaker, I stand by what I have said, and I support H.R. 1948.

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

Madam Speaker, in response, as we have talked about the concerns we have heard from the employees, how do we really know the bill is needed? Because the Democrats have never, in nearly 2 years of working on this bill, they did not hold one oversight hearing. Not one.

They did not call the Secretary and answer the allegations that the group pushing for this legislation is asking for. They didn't conduct public investigations into those allegations. They simply passed a bill out of committee, on a party-line vote, over a year ago.

Madam Speaker, it is our committee's job to hold the Secretary accountable, and all of the administration,

over these employees. I would have gladly worked with the Democrats to do that. Sadly, that is not what happened.

Now, we are coming out here on the 11th hour of our last week or two of being here, and we are jamming through an 11th-hour bill with no clear idea that it does what my colleague says it does.

How can we support legislation like this in the last hour? That is why they call this lameduck. It is because we try to shove things through right at the last.

This has not been vetted. It did not have more hearings. We did not do our job when it came to what our job is on oversight. We could have handled this a different way.

Madam Speaker, I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, I would remind my colleague from the State of Illinois that this bill more than adequately went through regular order.

We held a legislative hearing in April of 2021. The bill has garnered 218 cosponsors of our colleagues, each of whom has presumably reviewed the bill before they joined as cosponsors. We put the bill through a regular markup, and I have been in regular consultation with the Secretary of the VA about this bill. And most recently, the White House has issued a Statement of Administration Policy in support of the bill.

So to say that this bill is being rammed through at the 11th hour is patently untrue and not accurate.

Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. HIGGINS), my good friend and cosponsor of this bill. He serves on the Budget Committee and is a member of the House Committee on Ways and Means.

Mr. HIGGINS of New York. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise today in support of the VA Employee Fairness Act. We rely on the work of dedicated healthcare professionals to care for our veterans who risk their lives for our country. Yet, our laws do not provide an adequate voice for those workers to ensure care is of the highest quality.

The COVID-19 pandemic showed us why that voice is necessary.

This bill changes that by granting all VA healthcare providers the same collective bargaining rights. It means that healthcare workers can have a greater say in protecting patients, ensuring clinical competence, and setting wages and benefits.

It would provide rights for over 100,000 VA doctors, nurses, dentists, and chiropractors, including more than 350 nurses at the Buffalo VA Medical Center.

I am proud to be one of 218 cosponsors of this bill on the floor today, and I urge my colleagues to please support it.

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

Madam Speaker, in closing, there are several things I will say about this bill. One of the most important things to realize is that these employees have something that other medical employees around this Nation don't have. They have the Committee on Veterans' Affairs to argue on their behalf, if problems occur; that we would give oversight and give guidance and direction to our Secretary.

Now, there are far too many questions that remain unanswered about H.R. 1948:

We can't say for certain this bill won't jeopardize veterans' care—the primary mission of the VA.

We can't say the Secretary is abusing his authority because the Democrats did not have an oversight hearing on this issue.

We can't say that the bill will really do what my colleagues say it will do.

If Congress can't answer those questions, we are not doing our job. We can't in good faith pass H.R. 1948 without knowing these answers. We owe our veterans and taxpayers that much.

Madam Speaker, I encourage all my colleagues to oppose H.R. 1948, and I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, I yield myself the balance of my time to close.

Madam Speaker, I just remind the gentleman from Illinois that I did cite an egregious example of the VA ignoring the conclusions of an arbitrator in a patently unfair way.

Giving our title 38 employees the right to organize and the right to be represented by unions in such cases where a very legitimate grievance arises, I think is a basic principle of fairness, in fairness.

Let us think about what our veterans sacrificed. Let us think about what they put the uniform of their country on to fight for. They fought for our freedoms. They fought for our rights. They fought for basic fairness.

I have often said on this floor, that supporting our veterans is neither about being red or blue, but red, white, and blue. And I say to you that it is red, white, and blue to support the very principles that our veterans fought for. They fought for fairness. They fought for dignity. If you look at authoritarian countries around the world, they not only close the churches down, they not only close civil society down, but they close down real, independent unions, as well.

So if we are faithful to the principles of our Republic, we will stand up not only for religious institutions, not only for civil society, not only for your right and my right to say what is on our mind, but we will also fight for the right and defend the right of employees to organize and to unionize.

In this case, it is a very limited circumscribed form of collective bargaining, far more circumscribed than the very union that my colleague, who is a firefighter, I am willing to bet that his union had a far more robust ability

to exercise collective bargaining than the very employees that we are trying to empower today.

Madam Speaker, I urge my colleagues to support H.R. 1948, and I stand squarely behind it.

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

Ms. JACKSON LEE. Madam Speaker, I rise in support of H.R. 1948, the VA Employee Fairness Act of 2021. Throughout my career in Congress, I have always supported our veterans as well as those at the VA who serve, assist, and treat our veterans, especially those who have health care needs, so that they can optimally enjoy their post-service life.

Thus, I strongly support the VA Employee Fairness Act, which would repeal provisions that exclude matters concerning professional conduct or competence, peer review, or adjustment of employee compensation from the applicability of collective bargaining rights for Veterans Health Administration employees.

Specifically, H.R. 1948 restores full collective bargaining rights to VA healthcare professionals including nurses, physicians, dentists, and physician assistants.

This long overdue legislation grants millions of VA hospital employees the same collective bargaining rights that are already afforded to all other federal healthcare workers.

The ability to negotiate better working conditions and better wages is a fundamental right to all Americans in the workforce.

When this bill passes, it will give a voice to the nurses and doctors who work long and treacherous hours to treat and care for our veterans when they return home from service.

Millions of veterans will live the rest of their lives with disabilities due to service-incurred injuries and physical impairments that resulted after they made the decision to protect our nation and safeguard our freedom.

Our courageous service members have pledged that, on the battlefield, they will leave no soldier behind. In carrying out this sacred obligation, we must not forget those who treat them when they return from service.

I urge all of my colleagues to vote in favor of H.R. 1948, and resolve together that just as we will always support our veterans, so too, we must and will always support those who compassionately treat, serve, and restore them so that they can rejoin civilian life as fully as possible.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1518, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to 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 question will be postponed.

□ 1100

PUERTO RICO STATUS ACT

Mr. GRIJALVA. Madam Speaker, pursuant to House Resolution 1519, I call up the bill (H.R. 8393) to enable the people of Puerto Rico to choose a permanent, nonterritorial, fully self-governing political status for Puerto Rico and to provide for a transition to and the implementation of that permanent, nonterritorial, fully self-governing political status, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. FLETCHER). Pursuant to House Resolution 1519, in lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-74 is agreed to and the bill, as amended, is considered read.

The text of the bill is as follows:

H.R. 8393

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 “Puerto Rico Status Act”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings.
- Sec. 4. Definitions.
- Sec. 5. Plebiscite.
- Sec. 6. Nonpartisan voter education campaign.
- Sec. 7. Oversight.
- Sec. 8. Funds for voter education; plebiscites.
- Sec. 9. Bilingual voter educational materials and ballots.
- Sec. 10. Puerto Rico Oversight, Management, and Economic Stability Act.
- Sec. 11. Severability.

TITLE I—TRANSITION AND IMPLEMENTATION — INDEPENDENCE

- Sec. 101. Constitutional convention.
- Sec. 102. Character of the constitution.
- Sec. 103. Submission; ratification.
- Sec. 104. Election of officers.
- Sec. 105. Conforming amendments to existing law.
- Sec. 106. Joint Transition Commission.
- Sec. 107. Proclamations by President of the United States; Head of State of Puerto Rico.
- Sec. 108. Legal and constitutional provisions.
- Sec. 109. Judicial pronouncements.
- Sec. 110. Citizenship and immigration laws after Puerto Rican independence.
- Sec. 111. Individual rights to economic benefits and grants.

TITLE II—TRANSITION AND IMPLEMENTATION — SOVEREIGNTY IN FREE ASSOCIATION WITH THE UNITED STATES

- Sec. 201. Constitutional convention.
- Sec. 202. Character of the constitution.
- Sec. 203. Submission; ratification.
- Sec. 204. Election of officers.
- Sec. 205. Proclamations by President of the United States; Head of State of Puerto Rico.

Sec. 206. Legal and constitutional provisions.

Sec. 207. Judicial pronouncements.

Sec. 208. Citizenship and immigration laws after sovereignty through free association.

Sec. 209. Conforming amendments to existing law.

Sec. 210. Bilateral Negotiating Commission.

Sec. 211. Articles of Free Association approval and effective date.

Sec. 212. Termination.

Sec. 213. Individual rights to economic benefits and grants.

TITLE III—TRANSITION AND IMPLEMENTATION — STATEHOOD

Sec. 301. Presidential proclamation; Admission into the Union.

Sec. 302. Conforming amendments to existing law.

Sec. 303. Territory and boundaries.

Sec. 304. Constitution.

Sec. 305. Elections of Senators and Representatives, certification, and legal disputes.

Sec. 306. State title to land and property.

Sec. 307. Continuity of laws, government, and obligations.

Sec. 308. Judicial pronouncements.

SEC. 3. FINDINGS.

In recognition of the inherent limitations of Puerto Rico’s territorial status, and the responsibility of the Federal Government to enable the people of the territory to freely express their wishes regarding political status and achieve full self-government, Congress seeks to enable the eligible voters of Puerto Rico to choose a permanent, non-territorial, fully self-governing political status for Puerto Rico and to provide for a transition to and the implementation of said permanent, nonterritorial, fully self-governing status.

SEC. 4. DEFINITIONS.

In this Act:

(1) **BILATERAL NEGOTIATING COMMISSION.**—The term “Bilateral Negotiating Commission” means the Bilateral Negotiating Commission established under section 209(a).

(2) **ELECTIONS COMMISSION.**—The term “Elections Commission” means the Puerto Rico State Elections Commission (Comisión Estatal de Elecciones de Puerto Rico, in Spanish).

(3) **ELIGIBLE VOTERS.**—The term “eligible voters” means bona fide residents of Puerto Rico who are otherwise qualified to vote in general elections in Puerto Rico.

(4) **INITIAL PLEBISCITE.**—The term “initial plebiscite” means the plebiscite required by section 5(a)(1).

(5) **MAJORITY.**—The term “majority” means more than 50 percent.

(6) **RUNOFF PLEBISCITE.**—The term “runoff plebiscite” means the plebiscite required by section 5(a)(4).

SEC. 5. PLEBISCITE.

(a) **IN GENERAL.**—

(1) **INITIAL PLEBISCITE.**—A plebiscite to resolve Puerto Rico’s political status shall be held on November 5, 2023.

(2) **OPTIONS.**—The plebiscite held under paragraph (1) shall offer eligible voters a choice of one of the three options which shall be presented on the ballot as follows:

(A) Independence.

(B) Sovereignty in Free Association with the United States.

(C) Statehood.

(3) **MAJORITY VOTE REQUIRED.**—Approval of a status option must be by a majority of the valid votes cast.

(4) **RUNOFF PLEBISCITE.**—If there is not a majority in favor of one of the three options defined in this Act, then a runoff plebiscite shall be held on March 3, 2024, which shall offer eligible voters a choice of the two options that received the most votes in the plebiscite held under paragraph (1).

(b) **BALLOT LANGUAGE.**—A ballot for a plebiscite required by subsection (a) shall include the following language, except that the ballot for the runoff plebiscite shall omit the option that received the fewest votes in the initial plebiscite:

(1) **INSTRUCTIONS.**—Mark the status option you choose as each is defined below. A ballot with more than 1 option marked will not be counted. A ballot with no option marked will not be counted.

(2) **INDEPENDENCE.**—If you agree, mark here

— (A) Puerto Rico is a sovereign nation that has full authority and responsibility over its territory and population under a constitution of its own adoption which shall be the supreme law of the nation.

(B) Puerto Rico is vested with full powers and responsibilities consistent with the rights and responsibilities that devolve upon a sovereign nation under international law, including its own fiscal and monetary policy, immigration, trade, and the conduct in its own name and right of relations with other nations and international organizations.

(C) Puerto Rico has full authority and responsibility over its citizenship and immigration laws, and birth in Puerto Rico or relationship to persons with statutory United States citizenship by birth in the former territory shall cease to be a basis for United States nationality or citizenship, except that persons who have such United States citizenship have a right to retain United States nationality and citizenship for life, by entitlement or election as provided by Federal law.

(D) Puerto Rico will no longer be a possession of the United States for purposes of the Internal Revenue Code. In general, United States citizens and United States businesses in the nation of Puerto Rico will be subject to United States Federal tax laws (as is the case with any other United States citizen or United States business abroad) and to Puerto Rican tax laws. Puerto Rico’s status as an independent, sovereign nation will be the controlling factor in the taxation of Puerto Rican taxpayers.

(E) The Constitution and laws of the United States no longer apply in Puerto Rico and United States sovereignty in Puerto Rico is ended.

(3) **SOVEREIGNTY IN FREE ASSOCIATION WITH THE UNITED STATES.**—If you agree, mark here

— (A) Puerto Rico is a sovereign nation that has full authority and responsibility over its territory and population under a constitution of its own adoption which shall be the supreme law of the nation.

(B) Puerto Rico is vested with full powers and responsibilities consistent with the rights and responsibilities that devolve upon a sovereign nation under international law, including its own fiscal and monetary policy, immigration, trade, and the conduct in its own name and right of relations with other nations and international organizations, except as otherwise provided for in the Articles of Free Association to be negotiated by Puerto Rico and the United States.

(C) Puerto Rico has full authority and responsibility over its citizenship and immigration laws, and persons who have United States citizenship have a right to retain United States nationality and citizenship for life by entitlement or election as provided by Federal law.

(D) Birth in Puerto Rico shall cease to be a basis for United States nationality or citizenship. Individuals born in Puerto Rico to at least one parent who is a citizen of the United States shall be United States citizens at birth, consistent with the immigration laws of the United States, for the duration of the first agreement of the Articles of Free Association.

(E) Puerto Rico enters into Articles of Free Association with the United States, with such devolution and reservation of governmental functions and other bilateral arrangements as