

Suspend the Rules and Pass the Bill, H.R. 2072, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

113TH CONGRESS
1ST SESSION

H. R. 2072

To amend title 38, United States Code, to improve the accountability of the Secretary of Veterans Affairs to the Inspector General of the Department of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2013

Mr. BENISHEK introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve the accountability of the Secretary of Veterans Affairs to the Inspector General of the Department of Veterans Affairs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Demanding Account-
5 ability for Veterans Act of 2014”.

1 **SEC. 2. SCORING OF BUDGETARY EFFECTS.**

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go Act of 2010,
4 shall be determined by reference to the latest statement
5 titled “Budgetary Effects of PAYGO Legislation” for this
6 Act, submitted for printing in the Congressional Record
7 by the Chairman of the House Budget Committee, pro-
8 vided that such statement has been submitted prior to the
9 vote on passage.

10 **SEC. 3. ACCOUNTABILITY OF SECRETARY OF VETERANS AF-**
11 **FAIRS TO INSPECTOR GENERAL OF THE DE-**
12 **PARTMENT OF VETERANS AFFAIRS.**

13 (a) IN GENERAL.—Chapter 7 of title 38, United
14 States Code, is amended by adding at the end the fol-
15 lowing new section:

16 **“§ 712. Accountability of Secretary to Inspector Gen-**
17 **eral**

18 “(a) LIST OF MANAGERS.—(1) If the Inspector Gen-
19 eral of the Department of Veterans Affairs determines
20 that the Secretary has not appropriately responded with
21 significant progress to a covered report by the date speci-
22 fied in the action plan of the Secretary developed in re-
23 sponse to such covered report—

24 “(A) the Inspector General shall notify the
25 Committees on Veterans’ Affairs of the Senate and

1 House of Representatives and the Secretary of such
2 failure to appropriately respond; and

3 “(B) not later than 15 days after such notifica-
4 tion, the Secretary shall submit to the Inspector
5 General a list of the names of each responsible man-
6 ager and the matter in the action plan for which the
7 manager is responsible.

8 “(2) The Inspector General may not make public the
9 names of responsible managers submitted under para-
10 graph (1)(B).

11 “(b) PERFORMANCE OF RESPONSIBLE MANAGERS.—
12 (1) The Secretary shall—

13 “(A) promptly notify each responsible manager
14 of a covered issue by not later than seven days after
15 the date on which the Secretary submits to the In-
16 spector General the name of the manager under sub-
17 section (a)(1)(B);

18 “(B) direct such manager to resolve such issue;
19 and

20 “(C) provide such manager with appropriate
21 counseling and a mitigation plan with respect to re-
22 solving such issue.

23 “(2) The Secretary shall ensure that any performance
24 review of a responsible manager includes an evaluation of
25 whether the manager took appropriate actions during the

1 period covered by the review to respond to the covered
2 issue for which a request was made under subsection (a).

3 “(3) The Secretary may not pay to a responsible
4 manager any bonus or award, including a performance
5 award under section 5384 of title 5 if the covered issue
6 for which a request was made under subsection (a) is un-
7 resolved.

8 “(c) ROLE OF INSPECTOR GENERAL.—Any authority
9 of the Inspector General provided under this section is in
10 addition to any responsibility or authority provided to the
11 Inspector General in the Inspector General Act of 1978
12 (5 U.S.C. App).

13 “(d) DEFINITIONS.—In this section:

14 “(1) The term ‘covered issue’ means, with re-
15 spect to a responsible manager, an issue described in
16 a covered report for which the manager is or was re-
17 sponsible.

18 “(2) The term ‘covered report’ means a report
19 by the Inspector General of the Department of Vet-
20 erans Affairs that recommends actions to the Sec-
21 retary of Veterans Affairs (or other official or em-
22 ployee of the Department) to address an issue in the
23 Department with respect to public health or safety.

24 “(3) The term ‘responsible manager’ means an
25 individual who—

1 “(A) is an employee of the Department;

2 “(B) is or was responsible for an issue in-
3 cluded in a covered report; and

4 “(C) in being so responsible, is or was em-
5 ployed in a management position, regardless of
6 whether the employee is in the competitive civil
7 service, Senior Executive Service, or other type
8 of civil service.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such chapter is amended by inserting
11 after the item relating to section 711 the following new
12 item:

“712. Accountability of Secretary to Inspector General.”.

13 **SEC. 4. SECRETARY OF VETERANS AFFAIRS CONTRACT AU-**
14 **THORITY FOR TRANSFER OF VETERANS NON-**
15 **DEPARTMENT MEDICAL FOSTER HOMES.**

16 (a) AUTHORITY.—Section 1720 of title 38, United
17 States Code, is amended by adding at the end the fol-
18 lowing new subsection:

19 “(h)(1) During the three-year period beginning on
20 October 1, 2014, at the request of a veteran for whom
21 the Secretary is required to provide nursing home care
22 under section 1710A of this title, the Secretary may trans-
23 fer the veteran to a medical foster home that meets De-
24 partment standards, at the expense of the United States,
25 pursuant to a contract or agreement entered into between

1 the Secretary and the medical foster home for such pur-
2 pose. A veteran who is transferred to a medical foster
3 home under this subsection shall agree, as a condition of
4 such transfer, to accept home health services furnished by
5 the Secretary under section 1717 of this title.

6 “(2) For purposes of this subsection, the term ‘med-
7 ical foster home’ means a home designed to provide non-
8 institutional, long-term, supportive care for veterans who
9 are unable to live independently and prefer a family set-
10 ting.”.

11 (b) EFFECTIVE DATE.—Subsection (h) of title 38,
12 United States Code, as added by subsection (a), shall take
13 effect on October 1, 2014.

14 **SEC. 5. CONDITIONS ON THE AWARD OF PER DIEM PAY-**
15 **MENTS BY THE SECRETARY OF VETERANS**
16 **AFFAIRS FOR THE PROVISION OF HOUSING**
17 **OR SERVICES TO HOMELESS VETERANS.**

18 (a) CONDITION.—

19 (1) IN GENERAL.—Paragraph (1) of section
20 2012(e) of title 38, United States Code, is amended
21 to read as follows:

22 “(1) Except as provided in paragraph (2), a per diem
23 payment may not be provided under this section to a grant
24 recipient or eligible entity unless the entity submits to the
25 Secretary an annual certification, approved or verified by

1 the authority having jurisdiction or a qualified third party,
2 as determined by the Secretary, that the facility where the
3 entity provides housing or services for homeless veterans
4 using grant funds is in compliance with codes relevant to
5 the operations and level of care provided, including appli-
6 cable provisions of the most recently published version of
7 the Life Safety Code or International Building Code and
8 International Fire Code (or such versions of such codes
9 that have been adopted as State or local codes by the juris-
10 diction in which the facility is located), licensing require-
11 ments, fire and safety requirements, and any other re-
12 quirements in the jurisdiction in which the facility is lo-
13 cated regarding the condition of the facility and the oper-
14 ation of the entity providing such supportive housing or
15 services. For purposes of this paragraph, if a facility
16 where a grant recipient or eligible entity provides housing
17 or services for homeless veterans using grant funds is lo-
18 cated in a jurisdiction without relevant code requirements,
19 the Secretary shall determine code and inspection require-
20 ments to be applied to the facility.”.

21 (2) EFFECTIVE DATE.—The amendment made
22 by paragraph (1) shall apply with respect to an ap-
23 plication for a per diem payment under section 2012
24 of title 38, United States Code, submitted on or
25 after the date of the enactment of this Act.

1 (b) ANNUAL REPORT.—Section 2065(b) of title 38,
2 United States Code, is amended—

3 (1) by redesignating paragraph (6) as para-
4 graph (7); and

5 (2) by inserting after paragraph (5) the fol-
6 lowing new paragraph (6):

7 “(6) The Secretary’s evaluation of the safety
8 and accessibility of facilities used to provide pro-
9 grams established by grant recipients or eligible enti-
10 ties under section 2011 and 2012 of this title, in-
11 cluding the number of such grant recipients or eligi-
12 ble entities who have submitted a certification under
13 section 2012(c)(1).”.

14 (c) TREATMENT OF CURRENT RECIPIENTS.—In the
15 case of the recipient of a per diem payment under section
16 2012 of title 38, United States Code, that receives such
17 a payment during the year in which this Act is enacted,
18 the Secretary of Veterans Affairs shall require the recipi-
19 ent to submit the certification required under section
20 2012(c)(1) of such title, as amended by subsection (a)(1),
21 by not later than two years after the date of the enactment
22 of this Act. If the recipient fails to submit such certifi-
23 cation by such date, the Secretary may not make any addi-
24 tional per diem payments to the recipient under such sec-
25 tion 2012 until the recipient submits such certification.

1 **SEC. 6. EXTENSION OF LOAN GUARANTY FEE FOR CERTAIN**
2 **SUBSEQUENT LOANS.**

3 (a) **EXTENSION.**—Section 3729(b)(2) of title 38,
4 United States Code, is amended—

5 (1) in subparagraph (A)—

6 (A) in clause (iii), by striking “October 1,
7 2017” and inserting “October 1, 2018”; and

8 (B) in clause (iv), by striking “October 1,
9 2017” and inserting “October 1, 2018”;

10 (2) in subparagraph (C)—

11 (A) in clause (i), by striking “October 1,
12 2017” and inserting “October 1, 2018”; and

13 (B) in clause (ii), by striking “October 1,
14 2017” and inserting “October 1, 2018”; and

15 (3) in subparagraph (D)—

16 (A) in clause (i), by striking “October 1,
17 2017” and inserting “October 1, 2018”; and

18 (B) in clause (ii), by striking “October 1,
19 2017” and inserting “October 1, 2018”.

1 **SEC. 7. EXTENSION OF AUTHORITY OF SECRETARY OF VET-**
2 **ERANS AFFAIRS TO OBTAIN CERTAIN INFOR-**
3 **MATION FROM THE SECRETARY OF THE**
4 **TREASURY OR THE COMMISSIONER OF SO-**
5 **CIAL SECURITY.**

6 Section 5317 of title 38, United States Code, is
7 amended by striking “September 30, 2016” and inserting
8 “May 31, 2017”.