

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2072  
OFFERED BY MR. BENISHEK OF MICHIGAN**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Demanding Account-  
3 ability for Veterans Act of 2013”.

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

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

**13 SEC. 3. ACCOUNTABILITY OF SECRETARY OF VETERANS AF-  
14 FAIRS TO INSPECTOR GENERAL OF THE DE-  
15 PARTMENT OF VETERANS AFFAIRS.**

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

1 **“§ 712. Accountability of Secretary to Inspector Gen-**  
2 **eral.**

3 “(a) LIST OF MANAGERS.—(1) If the Inspector Gen-  
4 eral of the Department of Veterans Affairs determines  
5 that the Secretary has not appropriately responded with  
6 significant progress to a covered report by the date speci-  
7 fied in the action plan of the Secretary developed in re-  
8 sponse to such covered report—

9 “(A) the Inspector General shall notify the  
10 Committees on Veterans’ Affairs of the Senate and  
11 House of Representatives and the Secretary of such  
12 failure to appropriately respond; and

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

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

21 “(b) PERFORMANCE OF RESPONSIBLE MANAGERS.—  
22 (1) The Secretary shall—

23 “(A) promptly notify each responsible manager  
24 of a covered issue by not later than seven days after  
25 the date on which the Secretary submits to the In-

1       spectator General the name of the manager under sub-  
2       section (a)(1)(B);

3             “(B) direct such manager to resolve such issue;  
4       and

5             “(C) provide such manager with appropriate  
6       counseling and a mitigation plan with respect to re-  
7       solving such issue.

8       “(2) The Secretary shall ensure that any performance  
9       review of a responsible manager includes an evaluation of  
10      whether the manager took appropriate actions during the  
11      period covered by the review to respond to the covered  
12      issue for which a request was made under subsection (a).

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

18       “(c) ROLE OF INSPECTOR GENERAL.—Any authority  
19      of the Inspector General provided under this section is in  
20      addition to any responsibility or authority provided to the  
21      Inspector General in the Inspector General Act of 1978  
22      (5 U.S.C. App).

23       “(d) DEFINITIONS.—In this section:

24             “(1) The term ‘covered issue’ means, with re-  
25      spect to a responsible manager, an issue described in

1 a covered report for which the manager is or was re-  
2 sponsible.

3 “(2) The term ‘covered report’ means a report  
4 by the Inspector General of the Department of Vet-  
5 erans Affairs that recommends actions to the Sec-  
6 retary of Veterans Affairs (or other official or em-  
7 ployee of the Department) to address an issue in the  
8 Department with respect to public health or safety.

9 “(3) The term ‘responsible manager’ means an  
10 individual who—

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

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

14 “(C) in being so responsible, is or was em-  
15 ployed in a management position, regardless of  
16 whether the employee is in the competitive civil  
17 service, Senior Executive Service, or other type  
18 of civil service.”.

19 (b) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of such chapter is amended by inserting  
21 after the item relating to section 711 the following new  
22 item:

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

1 **SEC. 4. SECRETARY OF VETERANS AFFAIRS CONTRACT AU-**  
2 **THORITY FOR TRANSFER OF VETERANS NON-**  
3 **DEPARTMENT MEDICAL FOSTER HOMES.**

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

7 “(h)(1) During the three-year period beginning on  
8 October 1, 2014, at the request of a veteran for whom  
9 the Secretary is required to provide nursing home care  
10 under section 1710A of this title, the Secretary may trans-  
11 fer the veteran to a medical foster home that meets De-  
12 partment standards, at the expense of the United States,  
13 pursuant to a contract or agreement entered into between  
14 the Secretary and the medical foster home for such pur-  
15 pose. A veteran who is transferred to a medical foster  
16 home under this subsection shall agree, as a condition of  
17 such transfer, to accept home health services furnished by  
18 the Secretary under section 1717 of this title.

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

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

1 **SEC. 5. CONDITIONS ON THE AWARD OF PER DIEM PAY-**  
2 **MENTS BY THE SECRETARY OF VETERANS**  
3 **AFFAIRS FOR THE PROVISION OF HOUSING**  
4 **OR SERVICES TO HOMELESS VETERANS.**

5 (a) CONDITION.—

6 (1) IN GENERAL.—Paragraph (1) of section  
7 2012(e) of title 38, United States Code, is amended  
8 to read as follows:

9 “(1) Except as provided in paragraph (2), a per diem  
10 payment may not be provided under this section to a grant  
11 recipient or eligible entity unless the entity submits to the  
12 Secretary an annual certification, approved or verified by  
13 the authority having jurisdiction or a qualified third party,  
14 as determined by the Secretary, that the facility where the  
15 entity provides housing or services for homeless veterans  
16 using grant funds is in compliance with codes relevant to  
17 the operations and level of care provided, including appli-  
18 cable provisions of the most recently published version of  
19 the Life Safety Code or International Building Code and  
20 International Fire Code (or such versions of such codes  
21 that have been adopted as State or local codes by the juris-  
22 diction in which the facility is located), licensing require-  
23 ments, fire and safety requirements, and any other re-  
24 quirements in the jurisdiction in which the facility is lo-  
25 cated regarding the condition of the facility and the oper-  
26 ation of the entity providing such supportive housing or

1 services. For purposes of this paragraph, if a facility  
2 where a grant recipient or eligible entity provides housing  
3 or services for homeless veterans using grant funds is lo-  
4 cated in a jurisdiction without relevant code requirements,  
5 the Secretary shall determine code and inspection require-  
6 ments to be applied to the facility.”.

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

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

14           (1) by redesignating paragraph (6) as para-  
15 graph (7); and

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

18           “(6) The Secretary’s evaluation of the safety  
19 and accessibility of facilities used to provide pro-  
20 grams established by grant recipients or eligible enti-  
21 ties under section 2011 and 2012 of this title, in-  
22 cluding the number of such grant recipients or eligi-  
23 ble entities who have submitted a certification under  
24 section 2012(c)(1).”.

1           (c) TREATMENT OF CURRENT RECIPIENTS.—In the  
2 case of the recipient of a per diem payment under section  
3 2012 of title 38, United States Code, that receives such  
4 a payment during the year in which this Act is enacted,  
5 the Secretary of Veterans Affairs shall require the recipi-  
6 ent to submit the certification required under section  
7 2012(c)(1) of such title, as amended by subsection (a)(1),  
8 by not later than two years after the date of the enactment  
9 of this Act. If the recipient fails to submit such certifi-  
10 cation by such date, the Secretary may not make any addi-  
11 tional per diem payments to the recipient under such sec-  
12 tion 2012 until the recipient submits such certification.

13 **SEC. 6. EXTENSION OF LOAN GUARANTY FEE FOR CERTAIN**  
14 **SUBSEQUENT LOANS.**

15           (a) EXTENSION.—Section 3729(b)(2) of title 38,  
16 United States Code, is amended—

17                 (1) in subparagraph (A)—

18                         (A) clause (iii), by striking “October 1,  
19 2017” and inserting “October 1, 2018”; and

20                         (B) in clause (iv), by striking “October 1,  
21 2017” and inserting “October 1, 2018”;

22                 (2) in subparagraph (C)—

23                         (A) clause (i), by striking “October 1,  
24 2017” and inserting “October 1, 2018”; and



1 (B) in clause (ii), by striking “October 1,  
2 2017” and inserting “October 1, 2018”; and  
3 (3) in subparagraph (D)—

4 (A) clause (i), by striking “October 1,  
5 2017” and inserting “October 1, 2018”; and

6 (B) in clause (ii), by striking “October 1,  
7 2017” and inserting “October 1, 2018”.

8 **SEC. 7. LAND CONVEYANCE, DEPARTMENT OF VETERANS**  
9 **AFFAIRS PROPERTY, TUSKEGEE, ALABAMA.**

10 (a) FINDINGS.—Congress makes the following find-  
11 ings:

12 (1) In 1922, Tuskegee University voted to do-  
13 nate three hundred acres of land to the United  
14 States to build a veterans’ hospital, a portion of  
15 which is described in subsection (b).

16 (2) The property is administered by the Depart-  
17 ment of Veterans Affairs and has been used as space  
18 for the Tuskegee Veteran’s Hospital.

19 (3) Tuskegee University (hereinafter referred to  
20 as the “University”) is a State-related land grant in-  
21 stitution of higher learning that intends to use the  
22 property described in subsection (b) to further the  
23 education and general welfare of its students.

24 (4) As provided in subsection (b), the convey-  
25 ance of the property to the University would pro-

1       mote the University's educational mission and re-  
2       lated purposes and result in savings to the Federal  
3       Government.

4       (b) CONVEYANCE AUTHORIZED.—The Secretary of  
5       Veterans Affairs shall, without consideration, convey all  
6       right, title, and interest of the United States in and to  
7       a parcel of real property, including improvements thereon,  
8       consisting of approximately 64.5 acres located at 2400  
9       Hospital Road, Tuskegee, Alabama, including building  
10      numbers 19–29, 50–51, 59–60, 62–63, 80, 94, 96, and  
11      124, to Tuskegee University, for the purpose of permitting  
12      Tuskegee University to use the property to further the  
13      education and general welfare of its students. In carrying  
14      out the conveyance under this subsection, the Secretary  
15      may survey all or a portion of the property to be conveyed  
16      if the Secretary determines such a survey would be nec-  
17      essary or desirable.

18      (c) HAZARDOUS SUBSTANCES.—Notwithstanding  
19      section 120(h) of the Comprehensive Environmental Re-  
20      sponse, Compensation, and Liability Act of 1980 (42  
21      U.S.C. 9620(h)) or the Solid Waste Disposal Act (42  
22      U.S.C. 6901 et seq.), in the conveyance of the property  
23      under subsection (b), the Secretary shall be only required  
24      to meet the disclosure requirements for hazardous sub-  
25      stances, pollutants, and contaminants, but otherwise shall

1 not be required to remediate or abate the release of any  
2 hazardous substance, pollutant, or contaminant, including  
3 petroleum and petroleum derivatives.

4 (d) COOPERATIVE AUTHORITY.—

5 (1) LEASES, CONTRACTS, AND COOPERATIVE  
6 AGREEMENTS AUTHORIZED.—In conjunction with, or  
7 in addition to, the conveyance under subsection (b),  
8 the Secretary may enter into leases, contracts, and  
9 cooperative agreements with the University related  
10 to the conveyance authorized under subsection (b).

11 (2) SOLE SOURCE.—Notwithstanding division C  
12 of subtitle I of title 41, United States Code, or any  
13 other provision of law, the Secretary may lease real  
14 property from the University on a noncompetitive  
15 basis.

16 (3) NON-EXCLUSIVE AUTHORITY.—The author-  
17 ity provided by this subsection is in addition to any  
18 other authority of the Secretary.

19 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
20 Secretary may require such reasonable terms and condi-  
21 tions in connection with the conveyance under subsection  
22 (b) as the Secretary considers appropriate to protect the  
23 interests of the United States, except that the conveyance  
24 may not require further administrative or environmental  
25 analyses or examination.

1           (f) LIMITATION.—The Secretary may not make the  
2 conveyance under subsection (b) before October 1, 2014.

Amend the title so as to read: “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, and for other purposes.”.

