

Union Calendar No. 173

113TH CONGRESS
1ST SESSION

H. R. 2072

[Report No. 113-245]

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

OCTOBER 16, 2013

Additional sponsors: Mr. YOHO, Mrs. ELLMERS, Mr. JONES, Mr. COLLINS of New York, Ms. SINEMA, and Mrs. WALORSKI

OCTOBER 16, 2013

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 21, 2013]

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 2013”.*

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

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

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

18 *(a) IN GENERAL.—Chapter 7 of title 38, United States*
19 *Code, is amended by adding at the end the following new*
20 *section:*

21 **“§ 712. Accountability of Secretary to Inspector Gen-**
22 **eral**

23 *“(a) LIST OF MANAGERS.—(1) If the Inspector Gen-*
24 *eral of the Department of Veterans Affairs determines that*
25 *the Secretary has not appropriately responded with signifi-*

1 cant progress to a covered report by the date specified in
2 the action plan of the Secretary developed in response to
3 such covered report—

4 “(A) the Inspector General shall notify the Com-
5 mittees on Veterans’ Affairs of the Senate and House
6 of Representatives and the Secretary of such failure to
7 appropriately respond; and

8 “(B) not later than 15 days after such notifica-
9 tion, the Secretary shall submit to the Inspector Gen-
10 eral a list of the names of each responsible manager
11 and the matter in the action plan for which the man-
12 ager is responsible.

13 “(2) The Inspector General may not make public the
14 names of responsible managers submitted under paragraph
15 (1)(B).

16 “(b) PERFORMANCE OF RESPONSIBLE MANAGERS.—
17 (1) The Secretary shall—

18 “(A) promptly notify each responsible manager
19 of a covered issue by not later than seven days after
20 the date on which the Secretary submits to the Inspec-
21 tor General the name of the manager under subsection
22 (a)(1)(B);

23 “(B) direct such manager to resolve such issue;
24 and

1 “(C) provide such manager with appropriate
2 counseling and a mitigation plan with respect to re-
3 solving such issue.

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

9 “(3) The Secretary may not pay to a responsible man-
10 ager any bonus or award, including a performance award
11 under section 5384 of title 5 if the covered issue for which
12 a request was made under subsection (a) is unresolved.

13 “(c) *ROLE OF INSPECTOR GENERAL.*—Any authority
14 of the Inspector General provided under this section is in
15 addition to any responsibility or authority provided to the
16 Inspector General in the Inspector General Act of 1978 (5
17 U.S.C. App).

18 “(d) *DEFINITIONS.*—In this section:

19 “(1) The term ‘covered issue’ means, with respect
20 to a responsible manager, an issue described in a cov-
21 ered report for which the manager is or was respon-
22 sible.

23 “(2) The term ‘covered report’ means a report by
24 the Inspector General of the Department of Veterans
25 Affairs that recommends actions to the Secretary of

1 *Veterans Affairs (or other official or employee of the*
 2 *Department) to address an issue in the Department*
 3 *with respect to public health or safety.*

4 *“(3) The term ‘responsible manager’ means an*
 5 *individual who—*

6 *“(A) is an employee of the Department;*

7 *“(B) is or was responsible for an issue in-*
 8 *cluded in a covered report; and*

9 *“(C) in being so responsible, is or was em-*
 10 *ployed in a management position, regardless of*
 11 *whether the employee is in the competitive civil*
 12 *service, Senior Executive Service, or other type*
 13 *of civil service.”.*

14 *(b) CLERICAL AMENDMENT.—The table of sections at*
 15 *the beginning of such chapter is amended by inserting after*
 16 *the item relating to section 711 the following new item:*

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

17 **SEC. 4. SECRETARY OF VETERANS AFFAIRS CONTRACT AU-**
 18 **THORITY FOR TRANSFER OF VETERANS NON-**
 19 **DEPARTMENT MEDICAL FOSTER HOMES.**

20 *(a) AUTHORITY.—Section 1720 of title 38, United*
 21 *States Code, is amended by adding at the end the following*
 22 *new subsection:*

23 *“(h)(1) During the three-year period beginning on Oc-*
 24 *tober 1, 2014, at the request of a veteran for whom the Sec-*
 25 *retary is required to provide nursing home care under sec-*

1 *tion 1710A of this title, the Secretary may transfer the vet-*
2 *eran to a medical foster home that meets Department stand-*
3 *ards, at the expense of the United States, pursuant to a*
4 *contract or agreement entered into between the Secretary*
5 *and the medical foster home for such purpose. A veteran*
6 *who is transferred to a medical foster home under this sub-*
7 *section shall agree, as a condition of such transfer, to accept*
8 *home health services furnished by the Secretary under sec-*
9 *tion 1717 of this title.*

10 “(2) *For purposes of this subsection, the term ‘medical*
11 *foster home’ means a home designed to provide non-institu-*
12 *tional, long-term, supportive care for veterans who are un-*
13 *able to live independently and prefer a family setting.’”.*

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

17 **SEC. 5. CONDITIONS ON THE AWARD OF PER DIEM PAY-**
18 **MENTS BY THE SECRETARY OF VETERANS AF-**
19 **FAIRS FOR THE PROVISION OF HOUSING OR**
20 **SERVICES TO HOMELESS VETERANS.**

21 **(a) CONDITION.**—

22 **(1) IN GENERAL.**—*Paragraph (1) of section*
23 *2012(c) of title 38, United States Code, is amended to*
24 *read as follows:*

1 “(1) *Except as provided in paragraph (2), a per diem*
2 *payment may not be provided under this section to a grant*
3 *recipient or eligible entity unless the entity submits to the*
4 *Secretary an annual certification, approved or verified by*
5 *the authority having jurisdiction or a qualified third party,*
6 *as determined by the Secretary, that the facility where the*
7 *entity provides housing or services for homeless veterans*
8 *using grant funds is in compliance with codes relevant to*
9 *the operations and level of care provided, including applica-*
10 *ble provisions of the most recently published version of the*
11 *Life Safety Code or International Building Code and Inter-*
12 *national Fire Code (or such versions of such codes that have*
13 *been adopted as State or local codes by the jurisdiction in*
14 *which the facility is located), licensing requirements, fire*
15 *and safety requirements, and any other requirements in the*
16 *jurisdiction in which the facility is located regarding the*
17 *condition of the facility and the operation of the entity pro-*
18 *viding such supportive housing or services. For purposes of*
19 *this paragraph, if a facility where a grant recipient or eli-*
20 *gible entity provides housing or services for homeless vet-*
21 *erans using grant funds is located in a jurisdiction without*
22 *relevant code requirements, the Secretary shall determine*
23 *code and inspection requirements to be applied to the facil-*
24 *ity.”.*

1 (2) *EFFECTIVE DATE.*—*The amendment made by*
2 *paragraph (1) shall apply with respect to an applica-*
3 *tion for a per diem payment under section 2012 of*
4 *title 38, United States Code, submitted on or after the*
5 *date of the enactment of this Act.*

6 (b) *ANNUAL REPORT.*—*Section 2065(b) of title 38,*
7 *United States Code, is amended—*

8 (1) *by redesignating paragraph (6) as para-*
9 *graph (7); and*

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

12 “(6) *The Secretary’s evaluation of the safety and*
13 *accessibility of facilities used to provide programs es-*
14 *tablished by grant recipients or eligible entities under*
15 *section 2011 and 2012 of this title, including the*
16 *number of such grant recipients or eligible entities*
17 *who have submitted a certification under section*
18 *2012(c)(1).”.*

19 (c) *TREATMENT OF CURRENT RECIPIENTS.*—*In the*
20 *case of the recipient of a per diem payment under section*
21 *2012 of title 38, United States Code, that receives such a*
22 *payment during the year in which this Act is enacted, the*
23 *Secretary of Veterans Affairs shall require the recipient to*
24 *submit the certification required under section 2012(c)(1)*
25 *of such title, as amended by subsection (a)(1), by not later*

1 *than two years after the date of the enactment of this Act.*
2 *If the recipient fails to submit such certification by such*
3 *date, the Secretary may not make any additional per diem*
4 *payments to the recipient under such section 2012 until the*
5 *recipient submits such certification.*

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

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

10 (1) *in subparagraph (A)—*

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

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

15 (2) *in subparagraph (C)—*

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”; and*

20 (3) *in subparagraph (D)—*

21 (A) *in clause (i), by striking “October 1,*
22 *2017” and inserting “October 1, 2018”; and*

23 (B) *in clause (ii), by striking “October 1,*
24 *2017” and inserting “October 1, 2018”.*

1 **SEC. 7. LAND CONVEYANCE, DEPARTMENT OF VETERANS**
2 **AFFAIRS PROPERTY, TUSKEGEE, ALABAMA.**

3 (a) *FINDINGS.*—Congress makes the following findings:

4 (1) *In 1922, Tuskegee University voted to donate*
5 *three hundred acres of land to the United States to*
6 *build a veterans’ hospital, a portion of which is de-*
7 *scribed in subsection (b).*

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

11 (3) *Tuskegee University (hereinafter referred to*
12 *as the “University”) is a State-related land grant in-*
13 *stitution of higher learning that intends to use the*
14 *property described in subsection (b) to further the*
15 *education and general welfare of its students.*

16 (4) *As provided in subsection (b), the conveyance*
17 *of the property to the University would promote the*
18 *University’s educational mission and related purposes*
19 *and result in savings to the Federal Government.*

20 (b) *CONVEYANCE AUTHORIZED.*—*The Secretary of Vet-*
21 *erans Affairs shall, without consideration, convey all right,*
22 *title, and interest of the United States in and to a parcel*
23 *of real property, including improvements thereon, con-*
24 *sisting of approximately 64.5 acres located at 2400 Hos-*
25 *pital Road, Tuskegee, Alabama, including building num-*
26 *bers 19–29, 50–51, 59–60, 62–63, 80, 94, 96, and 124, to*

1 *Tuskegee University, for the purpose of permitting Tuskegee*
2 *University to use the property to further the education and*
3 *general welfare of its students. In carrying out the convey-*
4 *ance under this subsection, the Secretary may survey all*
5 *or a portion of the property to be conveyed if the Secretary*
6 *determines such a survey would be necessary or desirable.*

7 (c) *HAZARDOUS SUBSTANCES.*—*Notwithstanding sec-*
8 *tion 120(h) of the Comprehensive Environmental Response,*
9 *Compensation, and Liability Act of 1980 (42 U.S.C.*
10 *9620(h)) or the Solid Waste Disposal Act (42 U.S.C. 6901*
11 *et seq.), in the conveyance of the property under subsection*
12 *(b), the Secretary shall be only required to meet the disclo-*
13 *sure requirements for hazardous substances, pollutants, and*
14 *contaminants, but otherwise shall not be required to reme-*
15 *diate or abate the release of any hazardous substance, pol-*
16 *lutant, or contaminant, including petroleum and petroleum*
17 *derivatives.*

18 (d) *COOPERATIVE AUTHORITY.*—

19 (1) *LEASES, CONTRACTS, AND COOPERATIVE*
20 *AGREEMENTS AUTHORIZED.*—*In conjunction with, or*
21 *in addition to, the conveyance under subsection (b),*
22 *the Secretary may enter into leases, contracts, and co-*
23 *operative agreements with the University related to*
24 *the conveyance authorized under subsection (b).*

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