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MARKUP TO CONSIDER

PENDING NOMINATIONS AND LEGISLATION

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WEDNESDAY, NOVEMBER 19, 2013

United States Senate,

Committee on Veterans' Affairs,

Washington, D.C.

The committee met, pursuant to notice, at 10:08 a.m.,  
in Room 418, Russell Senate Office Building, Hon. Bernard  
Sanders, chairman of the committee, presiding.

Present: Senators Sanders, Brown, Begich, Blumenthal,  
Hirono, Burr, Johanns and Boozman.

OPENING STATEMENT OF CHAIRMAN SANDERS

Chairman Sanders. Okay. Let us convene this markup.  
We have got a seven members. We are waiting for one more.

What we are going to do is today vote on the  
nominations of Sloan Gibson, Linda Schwartz, and Constance  
Tobias; and then we are going to move toward the legislative  
agenda which is S. 932, S. 1262, S. 1556, S. 1581, S. 1593,  
and S. 1604.

While we are waiting for our eighth member, let me just  
say a few words. It is my belief that everybody on this  
Committee regardless of political party is doing everything  
he or she can to protect the interest of our veterans, and I  
intend to do everything I can to run this Committee on as

1 much of a bipartisan basis as I can.

2 I just did want to mention in that regard where I think  
3 we are making some progress is that a few weeks ago when we  
4 had our legislative hearing, you all will recall that Dan  
5 Coats came up with that rather unusual and rather morbid  
6 case. I am happy to tell you that I think that was a  
7 concern of his.

8 We got that UCed last night. So, we moved that pretty  
9 quickly, and I want to try to do those things. Where we  
10 have agreements, let us move it; and I think Senator Coats  
11 was pleased by that.

12 All of us or many of us knew Bill Young.

13 Senator Burr, I know you knew Bill Young.

14 I knew him when I was in the House. He was a very  
15 decent guy and a very good Congressman. Sadly, he passed  
16 away a short time ago.

17 Senator Nelson was here asking that we move toward  
18 naming a VA facility in Florida after him, and I am happy to  
19 tell you that has moved through this body as well. So, we  
20 are moving pretty quickly on those things.

21 Yesterday, Senator Boozman and I chatted about an issue  
22 that he has been concerned about, and I think he has brought  
23 forth a good idea dealing with how we treat folks with TBI,  
24 a huge issue in this country. With luck, we are going to  
25 get that passed today as well.

1           One of the issues that we are going to be touching on  
2 is an issue that Mark Begich and Senator Boozman have worked  
3 on I think for a while, and that is advance appropriations.  
4 It is an issue that not everybody agrees with.

5           The bottom line there is we did this for VA health care  
6 several years ago. There is pretty good consensus that it  
7 has worked well. Many of us were deeply concerned that  
8 during the shutdown there was a possibility that we were a  
9 week, 10 days away from veterans not getting their  
10 disability checks or their pensions which would have been an  
11 outrage and something nobody on this Committee or I think  
12 anybody in the Congress would have been happy about. That  
13 would have been unacceptable.

14           So, what we are going to be discussing today and voting  
15 on is an advanced appropriations bill that was worked on by  
16 Senator Begich and by Senator Boozman.

17           We have health care legislation which, among other  
18 things, is going to make it easier for veterans to get into  
19 the VA. It would extend the period of time individuals who  
20 served in combat are eligible to enroll in VA health care  
21 from five years to 10 years.

22           I think we all remember that folks who have served  
23 overseas in Iraq, Afghanistan have a five-year period of  
24 free health care. That is rolling out. We are going to  
25 extend that to 10 years.

1           We are also going to look at a pilot project for dental  
2 care. We are also going to be voting and examining a  
3 significant employment bill. Employment, unemployment for  
4 veterans remains too high in this country and we are going  
5 to try to address that issue. We are also going to  
6 strengthen the SCRA and that has to do with the  
7 Servicemembers Civil Relief Act.

8           So, those are some of the issues we are going to be  
9 touching on today and we will be moving along as quick as  
10 our eighth member.

11           But, Senator Burr, did you want to make some comments?

12           Senator Burr. Well, thank you, Mr. Chairman, and I  
13 want to start by briefly mentioning two bills as well that I  
14 sponsored that are being considered today.

15           The first is the Veterans Dialysis Pilot Program Review  
16 Act. This bill aims to ensure that VA is thoroughly  
17 evaluating its ongoing dialysis pilot before it rolls out  
18 that program nationally so we can first see if a national  
19 program would be in the best interest of veterans and  
20 taxpayers.

21           The other is the Improving Quality of Care within the  
22 Department of Veterans' Affairs Act. This would address  
23 many of the quality management problems at VA that have led  
24 to patient harm and death including the misuse of insulin  
25 pens, outbreak of Legionella, and the delays in patient

1 care.

2           These bills provide straightforward solutions to the  
3 ongoing issues, and I am glad that the Committee has an  
4 opportunity to act on them today.

5           Mr. Chairman, before I turn it back to you, I want to  
6 make a few general comments about the packages of  
7 legislation on today's agenda. These bills would make  
8 changes to a wide range of VA programs but the Committee has  
9 not held oversight hearings to look at how well many of  
10 these programs are working and whether there are any gaps or  
11 inefficiencies that should be fixed.

12           At the legislative hearing when these bills were  
13 supposed to be discussed, there were three dozen bills on  
14 the agenda, many more than we could consider in depth.

15           We still do not have the views of relevant agencies on  
16 many of the provisions in these bills. We do not have  
17 complete estimates on how much all of this would cost; and  
18 even though some of the changes in these bills will likely  
19 cause of billions, there are no offsets to pay for them.  
20 That spending would be in addition to the \$13 billion worth  
21 of bills that the Committee acted on in July that were also  
22 not paid for.

23           For these and for other reasons, I cannot support most  
24 of the bills on the agenda at this time. As we move  
25 forward, I hope the Committee will continue to take steps to

1 understand what changes are truly needed and will find ways  
2 to pay for them.

3 I thank the chair and I reserve my right to file  
4 minority views with respect to any of the bills on today's  
5 agenda.

6 Chairman Sanders. Senator Burr, thanks very much.

7 We now have a quorum. I think this is a busy day for  
8 many members. So, my hope is that we can move the process  
9 along as quickly as possible.

10 At this point I would invite a motion on the pending  
11 business, the nominations, Senator Brown.

12 Senator Brown. Mr. Chairman, in accordance with the  
13 Committee's practice to vote on agenda items as soon as a  
14 quorum of eight is present, I made the following motion.

15 I moved the Committee favorably report the nominations  
16 of Sloan Gibson to be Deputy Secretary of Veterans' Affairs;  
17 Linda Schwartz as Assistant Secretary of Veterans' Affairs  
18 for Policy and Planning; and Constance Tobias to be chair of  
19 the Board of Veterans' Appeals, Department of Veterans'  
20 Affairs.

21 Senator Burr. Mr. Chairman.

22 Chairman Sanders. Senator Burr.

23 Senator Burr. Mr. Chairman, I am happy to have a voice  
24 vote on Sloan Gibson and Linda Schwartz. I would require a  
25 roll call vote on Tobias and would ask unanimous consent

1 that we not take up the nomination of her today, that we  
2 wait until some document requests are fulfilled.

3 Chairman Sanders. I am going to object to that point,  
4 Senator Burr. But if it is okay, can we do a voiceover now  
5 on the two?

6 Senator Burr. On Sloan Gibson and Ms. Schwartz?

7 Chairman Sanders. Yes.

8 Senator Burr. Yes.

9 Chairman Sanders. Okay. Do you want to make that  
10 motion?

11 Senator Burr. So moved.

12 Chairman Sanders. Okay. So, we now have a motion for  
13 a voice vote on Sloan Gibson to be Deputy Secretary of  
14 Veterans' Affairs, Linda Schwartz to be Assistant Secretary  
15 of Veterans' Affairs.

16 All those in favor please say aye.

17 [A chorus of ayes.]

18 Chairman Sanders. All of those opposed.

19 [No response.]

20 Chairman Sanders. The ayes have it.

21 Now, we are going to do a roll call vote on Constance  
22 Tobias.

23 Senator Burr. Mr. Chairman.

24 Chairman Sanders. Yes.

25 Senator Burr. If I may speak on this nomination.

1 Chairman Sanders. Sure.

2 Senator Burr. As you know, I have asked that the  
3 nomination hearing be postponed with regard to the nominee  
4 for Chairman of the Board of Veterans' Appeals because we  
5 have not received documents that the Committee has been  
6 requesting since last year. We still have not received  
7 those documents. So, I believe it is premature to include  
8 this nominee on today's agenda.

9 To put this in perspective, the nominee has been asked  
10 at least six times since last July to submit documents  
11 regarding a specific matter, including requests for any and  
12 all such documents.

13 At this point it is clear that the relevant documents  
14 do exist and that they have not yet been provided to the  
15 Committee. As I have said before, I think it may be  
16 necessary to have another hearing once we receive those  
17 documents so we can ask informed questions that we learn  
18 from those documents.

19 But I also think the situation raises broader  
20 questions. Whoever is confirmed to serve as chairman of the  
21 board would be responsible for ensuring that the Committee  
22 receives timely, thorough responses to our requests for  
23 information about the board's activities.

24 As I mentioned at the nomination hearing, this  
25 Committee is already facing long delays and continued

1 frustrations in trying to get information from VA. So, I  
2 think we need to consider whether this type of response we  
3 could expect to our requests for information if the nominee  
4 is confirmed.

5 But regardless of those concerns, we should not move  
6 forward with this nomination until we have received complete  
7 answers to our questions.

8 So, Mr. Chairman, I realize you object to the unanimous  
9 consent request to delay consideration but I would urge my  
10 colleagues, this is premature, and this is not a document  
11 request that was made last week or last month. It was made  
12 last year.

13 Thank you, Mr. Chairman.

14 Chairman Sanders. Senator Burr and I have a difference  
15 of opinion on this but let us go forward with the roll call  
16 vote on Constance Tobias to be Chairperson of the Board of  
17 Veterans' Appeals.

18 Clerk, will you call the roll please?

19 The Clerk. Mr. Rockefeller.

20 Chairman Sanders. Mr. Rockefeller votes aye by proxy.

21 The Clerk. Mrs. Murray.

22 Chairman Sanders. Mrs. Murray votes aye by proxy.

23 The Clerk. Mr. Brown.

24 Senator Brown. Aye.

25 The Clerk. Mr. Tester.

1 Chairman Sanders. Mr. Tester votes aye by proxy.

2 The Clerk. Mr. Begich.

3 Senator Begich. Aye.

4 The Clerk. Mr. Blumenthal.

5 Senator Blumenthal. Aye.

6 The Clerk. Ms. Hirono.

7 Senator Hirono. Aye.

8 The Clerk. Mr. Burr.

9 Senator Burr. No.

10 The Clerk. Mr. Isakson.

11 Senator Burr. No by proxy.

12 The Clerk. Mr. Johanns.

13 Senator Johanns. No.

14 The Clerk. Mr. Moran.

15 Senator Burr. No by proxy.

16 The Clerk. Mr. Boozman.

17 Senator Boozman. No.

18 The Clerk. Mr. Heller.

19 Senator Burr. No by proxy.

20 The Clerk. Chairman Sanders.

21 Chairman Sanders. Aye.

22 The Clerk. On this vote, the ayes are 8. The nays are

23 six. The nomination is agreed to.

24 Chairman Sanders. Okay. Let us move now to the

25 legislative agenda, and my understanding is that, and,

1 Senator Burr, correct me if I am wrong but you are in  
2 agreement that we can do a voice vote on the omnibus.

3 Senator Burr. Correct.

4 Chairman Sanders. All right. Okay. And the omnibus  
5 is 1581. Okay.

6 Senator Brown.

7 Senator Brown. I move that the Committee order  
8 favorably report to the Senate the six legislative items on  
9 today's agenda and move that the reporting or approval of  
10 these items be subject to any amendments or motions  
11 subsequently adopted and further move the Committee staff be  
12 directed to prepare the Committee reports on these items and  
13 make necessary clerical, technical, and conforming changes  
14 including changes necessary to conform with the Budget Act.

15 Senator Burr. Mr. Chairman.

16 Chairman Sanders. Senator Burr.

17 Senator Burr. Mr. Chairman, if I could just add, I am  
18 supportive of this bill today but I want to make it clear  
19 that there is still work to be done to make sure that we  
20 take stakeholder input into account.

21 So, as we get the views of relevant Committees and we  
22 make sure that any costs in this bill are, in fact, paid  
23 for.

24 And I thank the chair.

25 Chairman Sanders. Okay. We are now voting on the

1 omnibus bill. That is S. 1581.

2 All of those in favor please say aye.

3 [A chorus of ayes.]

4 Chairman Sanders. All those opposed say no.

5 [No response.]

6 Chairman Sanders. The ayes appear to have it. The  
7 ayes do have it. That legislation is passed.

8 Now, we will proceed to the Committee print of S. 932.  
9 Is there any discussion on this bill before I call for the  
10 roll call vote on that?

11 Senator Burr. Mr. Chairman.

12 Chairman Sanders. Senator Burr.

13 Senator Burr. Mr. Chairman, I understand that the  
14 recent government shutdown created uncertainty with veterans  
15 receiving their benefits but I am also concerned about the  
16 tremendous problems that face VA.

17 VA's claims backlogs have gotten worse over the last  
18 four years. Recent news reports that veterans are still  
19 waiting for mental health appointments and quality of care  
20 issues that have resulted in patient harm and death.

21 These are all problems VA is trying to correct; and we,  
22 in our capacity as an oversight Committee, need to examine  
23 these issues to ensure VA follows through in their promise  
24 to improve those departments.

25 However, I fear that if we advance appropriate all of

1 VA spending, this will seriously limit both this authorizing  
2 Committee and the appropriations committees ability to  
3 properly conduct oversight.

4 So, I will be opposed to this bill today and I would  
5 urge my colleagues to seriously think, given the difficulty  
6 that we have with receiving information from the VA today,  
7 ask yourself what position we will be in once we have  
8 advanced appropriate and the entire VA budget.

9 I thank the Chair.

10 Chairman Sanders. Senator Begich.

11 Senator Begich. Mr. Chairman, thank you very much. To  
12 my co-sponsor, Senator Boozman, thank you, and I know we did  
13 an event a few weeks ago. To see the House also with a very  
14 similar bill moving forward, it is a smart move to move the  
15 final piece of the VA budget into advanced appropriations.

16 You know, we have a sizable amount already on the  
17 medical end. But I would just want to respectfully disagree  
18 with Senator Burr and that is, you know, the best part about  
19 advance appropriations from my view is that you get more  
20 time to do oversight. You can actually get deep into the  
21 questions and the discussion.

22 One of the pieces of advanced funding ensures that  
23 quality of care continues to move forward rather than this  
24 stop and start that continues to happen with the VA  
25 especially around disability claims and the claims that they

1 make.

2 This will help them move forward to ensure that they  
3 have some predictability which is part of the equation. I  
4 mean, we do advance funding for PBS. Why can we not do it  
5 for our veterans? It makes no sense.

6 The reality is this will complete what we started a few  
7 years ago with the medical component and this will complete  
8 out the whole VA in advance funding, an organization that  
9 should not be always threatened with our inability at times  
10 to have full action here.

11 The issue about disability claims, we have moved  
12 forward not in a speed that I think all of us would like but  
13 a lot better. I think this piece of legislation will ensure  
14 that they can actually focus on the job ahead of them rather  
15 than always trying to figure out, are they going to be  
16 funded, are they not going to be funded, can they hire  
17 someone if the appropriation does not get through.

18 So, I would just encourage my colleagues to actually  
19 finish out the VA advance funding appropriations bill which  
20 this is the final piece of it, ensuring that our veterans  
21 get the quality care they need.

22 Chairman Sanders. Further discussion.

23 Senator Boozman. No. I understand Senator Burr's  
24 concerns especially with information and things like that.  
25 But I do think that can be overcome.

1           My problem with the situation that we have now. Our  
2 appropriations process is not working very well at all. I  
3 think we all agree with that. We are going to work hard to  
4 fix that.

5           But in the meantime the VA is a huge agency. That, you  
6 know, has lots of responsibility, has lots of problems to  
7 solve. When you simply do not know where your budget is,  
8 that makes for, I think, bad decisions and wasteful  
9 spending.

10          So, for that reason, I am very supportive of us.

11          Chairman Sanders. Okay. Further discussion?

12          [No response.]

13          Chairman Sanders. If not--

14          Senator Burr. A recorded vote, Mr. Chairman.

15          Chairman Sanders. Okay. The clerk will call the roll.

16          This is S. 932.

17          The Clerk. Mr. Rockefeller.

18          Chairman Sanders. Mr. Rockefeller votes aye by proxy.

19          The Clerk. Mrs. Murray.

20          Chairman Sanders. Aye by proxy.

21          The Clerk. Mr. Brown.

22          Senator Brown. Aye.

23          The Clerk. Mr. Tester.

24          Chairman Sanders. Aye by proxy.

25          The Clerk. Mr. Begich.

1 Senator Begich. Aye.

2 The Clerk. Mr. Blumenthal.

3 Senator Blumenthal. Aye.

4 The Clerk. Ms. Hirono.

5 Senator Hirono. Aye.

6 The Clerk. Mr. Burr.

7 Senator Burr. No.

8 The Clerk. Mr. Isakson.

9 Senator Burr. Aye by proxy.

10 The Clerk. Mr. Johanns.

11 Senator Johanns. Aye.

12 The Clerk. Mr. Moran.

13 Senator Burr. Aye by proxy.

14 The Clerk. Mr. Boozman.

15 Senator Boozman. Aye.

16 The Clerk. Mr. Heller.

17 Senator Burr. Aye by proxy.

18 The Clerk. Chairman Sanders.

19 Chairman Sanders. Aye.

20 The Clerk. On this vote, the ayes are 13. The nays  
21 are one. The agenda item is agreed to.

22 Chairman Sanders. Why do we not go to Senator Brown's  
23 bill which is S. 1556.

24 Senator Brown.

25 Senator Brown. Thank you, Mr. Chairman.

1           It is a pretty simple issue about collective  
2 bargaining. The VA medical professionals are not assured  
3 the right to grieve and negotiate over routine issues  
4 causing many VA workers to be denied overtime, comp time,  
5 and weekend premium pay.

6           This is simple fix would clarify that VA workers have  
7 recourse when their rights under pay laws are violated.  
8 This is not negotiating over rates of pay which are set by  
9 Congress.

10           Under current law and VA policy, VA health  
11 professionals who are covered by Title 38 do not have the  
12 same bargaining rights as their counterparts in DOD or other  
13 federal employees covered by Title 5.

14           This bill will lift the existing prohibitions against  
15 bargaining over routine workplace matters like Title 38 and  
16 their labor representatives. The routine issues are  
17 protection for workers on issues like overtime, weekend pay  
18 scheduling, reassignments, and performance pay.

19           I understand Senator Burr has a proposed substitution.  
20 I understand. I agree our employee should focus on  
21 providing quality services while at work. I think the  
22 history of collective bargaining is that it makes for a  
23 better workplace. It makes for better workers. It makes  
24 for better service that those workers carry out. As I said,  
25 it is extended in other areas of federal government. It

1 should also be included at the VA.

2 Chairman Sanders. Senator Burr, your enthusiastic  
3 support for this legislation.

4 Senator Burr. Mr. Chairman, thank you. Just a  
5 clarification. Is it the Chairman's intent to vote the  
6 bills and then do amendments at the end?

7 Chairman Sanders. Yes.

8 Senator Burr. Okay. First, to repeat what I said in  
9 my opening statement, we have not received views or cost  
10 estimates from the Administration on this bill.

11 Second, this bill would allow VA physicians, dentists,  
12 and nurses the right to collectively bargain not only over  
13 compensation issues but over all issues affecting their  
14 performance.

15 Under this bill, doctors would be able to collectively  
16 bargain over things such as professional conduct and  
17 competence and peer reviews. Both the Obama and the Bush  
18 Administrations have strongly opposed similar bills  
19 introduced in the past by my colleague.

20 But more importantly, I am concerned that a protracted  
21 negotiation between VA and medical professionals and the  
22 interference of a third-party arbitrator could negatively  
23 impact the delivery of care to veterans.

24 So, I am opposed to the bill and I would ask my  
25 colleagues also to vote no.

1 I thank the Chair and would ask for a recorded vote  
2 when the appropriate time comes.

3 Chairman Sanders. Okay. Further discussion?

4 [No response.]

5 Chairman Sanders. If not, the clerk will call the  
6 roll. This is Brown S. 1556.

7 The Clerk. Mr. Rockefeller.

8 Chairman Sanders. Aye by proxy.

9 The Clerk. Mrs. Murray.

10 Chairman Sanders. Aye by proxy.

11 The Clerk. Mr. Brown.

12 Senator Brown. Aye.

13 The Clerk. Mr. Tester.

14 Chairman Sanders. Aye by proxy.

15 The Clerk. Mr. Begich.

16 Senator Begich. Yes, aye.

17 The Clerk. Mr. Blumenthal.

18 Senator Blumenthal. Aye.

19 The Clerk. Ms. Hirono.

20 Senator Hirono. Aye.

21 The Clerk. Mr. Burr.

22 Senator Burr. No.

23 The Clerk. Mr. Isakson.

24 Senator Burr. No by proxy.

25 The Clerk. Mr. Johanns.

1 Senator Johanns. No.

2 The Clerk. Mr. Moran.

3 Senator Burr. No by proxy.

4 The Clerk. Mr. Boozman.

5 Senator Boozman. No.

6 The Clerk. Mr. Heller.

7 Senator Burr. No by proxy.

8 The Clerk. Chairman Sanders.

9 Chairman Sanders. Yes.

10 The Clerk. On this vote, the ayes are 8. In the nays  
11 are 6. The agenda item is agreed to.

12 Chairman Sanders. Okay. Let us go to S. 1604, which  
13 is Sanders of Veterans Health Care Expansion Act of 2013.

14 Very briefly, what this does is a couple of things.  
15 Right now we have, as I mentioned before, an incredibly  
16 confusing process in terms of VA health care eligibility  
17 baseline income.

18 So, you could be living in one county in Nebraska and  
19 somebody lives across the street in another county, and  
20 eligibility requirements are different, ostensibly because  
21 the cost of living in the two counties are different. You  
22 end up with a telephone book all over this country of  
23 different eligibility requirements.

24 I think frankly it does not make a lot of sense on the  
25 surface but, second of all, what it does for those folks in

1 the VA and those people at statewide levels, Nebraska,  
2 Vermont, or anyplace else, want to bring people into the VA.

3 They get up there and they say, okay, we want you to  
4 come in. It is good quality health care and then people  
5 say, well, am I eligible? Well, if you lived in this  
6 county, it is this income; if you live in that county, it is  
7 that income. It is very, very confusing.

8 So, what we have done is two things. We have said we  
9 are going to simplify the process. And instead of having  
10 hundreds and hundreds and hundreds of different income  
11 eligibility requirements, we are going to have one for each  
12 state and, one for each state. It would be 50. It will be  
13 the highest level in each state. That is what that does.

14 I think it simplifies the process, makes it easier for  
15 people to come into the system, and will make life easier  
16 for those people who are concerned about VA outreach.

17 This legislation also gets individuals who served in  
18 combat an additional five years. I think we are all aware  
19 of the fact that after our people return from Iraq and  
20 Afghanistan, they have five years of free healthcare.

21 We are going to expand that to 10 years and we will  
22 extend it to members of the National Guard and Reserves who  
23 might not otherwise have had access to health insurance,  
24 access to VA health care but also keep them healthy and  
25 deployment ready.



1 legislation that does not have an offset. If it is not paid  
2 for, then I think it is irresponsible for us to pass it.

3 I thank the Chair and I yield the floor.

4 Chairman Sanders. Any further discussion?

5 [No response.]

6 Chairman Sanders. I am going to do a roll call vote on  
7 this. If the clerk would call the roll.

8 The Clerk. Mr. Rockefeller.

9 Chairman Sanders. Aye by proxy.

10 The Clerk. Mrs. Murray.

11 Chairman Sanders. Aye by proxy.

12 The Clerk. Mr. Brown.

13 Senator Brown. Aye.

14 The Clerk. Mr. Tester.

15 Chairman Sanders. Aye by proxy.

16 The Clerk. Mr. Begich.

17 Senator Begich. Aye.

18 The Clerk. Mr. Blumenthal.

19 Senator Blumenthal. Aye.

20 The Clerk. Ms. Hirono.

21 Senator Hirono. Aye.

22 The Clerk. Mr. Burr.

23 Senator Burr. No.

24 The Clerk. Mr. Isakson.

25 Senator Burr. No by proxy.

1           The Clerk. Mr. Johanns.

2           Senator Johanns. No.

3           The Clerk. Mr. Moran.

4           Senator Burr. No by proxy.

5           The Clerk. Mr. Boozman.

6           Senator Boozman. No.

7           The Clerk. Mr. Heller.

8           Senator Burr. No by proxy.

9           The Clerk. Chairman Sanders.

10          Chairman Sanders. Aye.

11          The Clerk. On this vote ayes are eight the nays are  
12 six. The agenda item is agreed to.

13          Chairman Sanders. Okay. Next item up it is  
14 legislation by Senator Nelson, S. 1260, the Veterans  
15 Conservation Corps Act of 2013.

16          Very briefly, we have made progress in the area of  
17 veterans unemployment with the passage of the VOW to Hire  
18 Heroes Act, which created important transition, retraining,  
19 and employment services.

20          We have also enhanced education programs and benefits  
21 available to veterans. These actions are making a real  
22 impact on the lives of countless veterans by providing them  
23 with the training and education opportunities they need in  
24 order to secure meaningful employment.

25          The provisions in the Veterans Conservation Corps Act

1 would provide the government with additional tools to carry  
2 out its obligation to ensure our veterans are provided the  
3 opportunity to successfully transition to the civilian work  
4 force.

5 We continue to find high unemployment rates among  
6 veterans, especially the youngest generation of our Nation's  
7 veterans who have served and sacrificed for this country and  
8 deserve a fair shot at a fulfilling career and the ability  
9 to support their families and an opportunity to prosper as  
10 they resume civilian life.

11 DOD paid nearly \$1 billion in unemployment last year.  
12 I am worried that number may grow as we expect approximately  
13 1 million service members to transition out of the military  
14 service within the next five years.

15 The bottom line here, I would rather pay people to  
16 work, gain some experience, do something meaningful than  
17 just get unemployment. So, I think this legislation is a  
18 good step forward and we would appreciate its passage.

19 Senator Burr.

20 Senator Burr. Mr. Chairman, as I mentioned in my  
21 opening statement and at the previous markup in July, we  
22 have an obligation to pay for any bills that are reported  
23 out of this Committee.

24 S. 1262 fails this test as there is currently no offset  
25 for the \$600 million in direct spending authority that is

1 contained in the bill.

2 Mr. Chairman, I would also like to take a moment to  
3 address several policy concerns I have with the Veterans'  
4 Service Corps more generally. This bill would establish a  
5 program with no detail about the number of veterans who  
6 would be employed, their length of employment, how much they  
7 would be compensated, or what tangible skills or licenses  
8 they would retain while participating.

9 Last year I asked the VA to provide details regarding  
10 this bill and the President's Veterans' Job Corps when both  
11 were considered by the Committee. Although VA insured us  
12 last year that they would work with the Committee on this  
13 program and said the same thing during the legislative  
14 hearing last month, however, this Committee still has no  
15 idea how this program would function if it ever became law.

16 What is needed to address the ongoing issues of  
17 veterans' unemployment is an effort to assist veterans with  
18 translating their military skills or help them enter job  
19 training programs that will place them on track for careers  
20 and not temporary, low-wage, make-work programs that will do  
21 nothing to prepare veterans to be competitive in the  
22 civilian labor market.

23 I would urge my colleagues to oppose this, and I yield  
24 back.

25 Chairman Sanders. Okay. Further discussion?

1 [No response.]

2 Chairman Sanders. If not, clerk will call the roll  
3 please.

4 The Clerk. Mr. Chairman.

5 Chairman Sanders. I am sorry. Senator Hirono.

6 Senator Hirono. Mr. Chairman, I have an amendment to  
7 this bill that I would like to call up.

8 Chairman Sanders. We are going to take amendments in  
9 two minutes as soon as we move through these. Okay?

10 Senator Hirono. All right. Thank you.

11 Chairman Sanders. Clerk were you call the roll please.

12 The Clerk. Mr. Rockefeller.

13 Chairman Sanders. Aye by proxy.

14 The Clerk. Mrs. Murray.

15 Chairman Sanders. Aye by proxy.

16 The Clerk. Mr. Brown.

17 Senator Brown. Aye.

18 The Clerk. Mr. Tester.

19 Chairman Sanders. Aye by proxy.

20 The Clerk. Mr. Begich.

21 Senator Begich. Aye.

22 The Clerk. Mr. Blumenthal.

23 Senator Blumenthal. Aye.

24 The Clerk. Ms. Hirono.

25 Senator Hirono. Aye.

1           The Clerk. Mr. Burr.

2           Senator Burr. No.

3           The Clerk. Mr. Isakson.

4           Senator Burr. No by proxy.

5           The Clerk. Mr. Johanns.

6           Senator Johanns. No.

7           The Clerk. Mr. Moran.

8           Senator Burr. Aye by proxy.

9           The Clerk. Mr. Boozman.

10          Senator Boozman. No.

11          The Clerk. Mr. Heller.

12          Senator Burr. Aye by proxy.

13          The Clerk. Chairman Sanders.

14          Chairman Sanders. Aye.

15          The Clerk. On this vote, the ayes are 10. The nays  
16 are 4. The agenda item is agreed to.

17          Chairman Sanders. Okay. The last item on our agenda  
18 before we get to amendments is a bill represented by Senator  
19 Jack Reed. The SCRA Enhancement Improvement Act of 2013.

20          The ideas incorporated in this legislation are offered  
21 by an attorney with years of experience litigating SCRA  
22 matters. They were offered by the Office of Servicemember  
23 Affairs which has and continues to work tirelessly on behalf  
24 of servicemembers and veterans.

25          This legislation incorporates ideas offered by the

1 Department of Justice, the agency charged with enforcement  
2 of the SCRA, and these ideas are supported by the Military  
3 Officers Association of America, an organization of over  
4 380,000 members from every branch of service committed to  
5 representing the needs of American servicemembers.

6 So, I think it is a good piece of legislation. I hope  
7 we can pass it.

8 Senator Burr.

9 Senator Burr. Thank you, Mr. Chairman.

10 Although this bill has some worthwhile provisions that  
11 I could personally support, there are coupled with others  
12 that have not yet gone through a sufficient vetting process,  
13 particularly when we are changing a law as far-reaching as  
14 the Servicemembers Civil Relief Act, it is important that we  
15 understand how well existing protections are working, where  
16 there are gaps, and the impact intended or unintended of  
17 possible changes.

18 But in this case, the federal agencies most involved  
19 with the law, including the Department of Defense and the  
20 Department of Justice, were not at the legislative hearing  
21 when these provisions were on the agenda.

22 Even if they had been, in depth discussions about the  
23 Servicemembers Civil Relief Act would have been, would not  
24 have been possible because we were considering 36 bills and  
25 to date we have not received written views from the agencies

1 with their input.

2 Also, for many provisions in this bill, we do not have  
3 studies, reports, or other materials that would help us  
4 figure out how best to address any gaps in current  
5 protections.

6 In fact, it appears that parts of the bill were crafted  
7 based simply on a few anecdotes. Although anecdotes can  
8 provide helpful information about what changes we should  
9 consider, they should be part of our inquiry, not in the  
10 end. That is why I plan to offer several amendments that  
11 would require studies to help us make more deliberative  
12 informed decisions about what changes are needed.

13 Mr. Chairman, the bottom line is that we do not have  
14 enough information to move forward at this time.

15 Chairman Sanders. Okay. Thank you, Senator Burr.

16 Further discussion?

17 [No response.]

18 Chairman Sanders. If not, Madam clerk, please call the  
19 roll.

20 The Clerk. Mr. Rockefeller.

21 Chairman Sanders. Aye by proxy.

22 The Clerk. Mrs. Murray.

23 Chairman Sanders. Aye by proxy.

24 The Clerk. Mr. Brown.

25 Senator Brown. Aye.

1           The Clerk. Mr. Tester.  
2           Chairman Sanders. Aye by proxy.  
3           The Clerk. Mr. Begich.  
4           Senator Begich. Aye.  
5           The Clerk. Mr. Blumenthal.  
6           Senator Blumenthal. Aye.  
7           The Clerk. Ms. Hirono.  
8           Senator Hirono. Aye.  
9           The Clerk. Mr. Burr.  
10          Senator Burr. No.  
11          The Clerk. Mr. Isakson.  
12          Senator Burr. No by proxy.  
13          The Clerk. Mr. Johanns.  
14          Senator Johanns. No.  
15          The Clerk. Mr. Moran.  
16          Senator Burr. Aye by proxy.  
17          The Clerk. Mr. Boozman.  
18          Senator Boozman. Aye.  
19          The Clerk. Mr. Heller.  
20          Senator Burr. Aye by proxy.  
21          The Clerk. Chairman Sanders.  
22          Chairman Sanders. Aye.  
23          The Clerk. On this vote, the ayes are 11. The nays  
24 are 3. The agenda item is agreed to.  
25          Chairman Sanders. Okay. We have dealt with all

1 legislative items. Now, we have to get to amendments. Let  
2 me begin by going to Senator Burr.

3 Senator Burr. Mr. Chairman, why do we not take Senator  
4 Hirono's first.

5 Chairman Sanders. Okay. That is very kind of you.

6 Senator Hirono, do you want to go first?

7 Senator Hirono. Yes. Thank you very much, Senator  
8 Burr.

9 I would like to go up my amendments to S. 1262, the  
10 Veterans Conservation Corps Act. My amendment would simply  
11 clarify that governments of the U.S. territories, the  
12 District of Columbia, and natives serving organizations are  
13 eligible to apply for the grants made available under this  
14 bill to help place vets in those areas in jobs.

15 I completely agree with you that we pay a lot in  
16 unemployment benefits to veterans, and I would much prefer  
17 that we pay them for doing a job. Thank you.

18 Chairman Sanders. Well, I strongly support Senator  
19 Hirono's amendments. She corrects an oversight, and we  
20 apologize for that. We thank her very much.

21 Senator Burr, did you want to comment on that?

22 Senator Burr. I am supportive of it. Let us take a  
23 voice vote.

24 Chairman Sanders. A voice vote. All of those in favor  
25 of the Senator Hirono amendment please say aye.

1 [A chorus of ayes.]

2 Chairman Sanders. Opposed.

3 [No response.]

4 Chairman Sanders. The ayes appear to have it. The  
5 ayes do have it. The amendment is passed.

6 Senator Burr.

7 Senator Burr. Mr. Chairman. I have amendment number  
8 one to S. 1593.

9 Chairman Sanders. All right. Let me make sure we are  
10 all on the same page here. Is that is that the original  
11 numbers?

12 Senator Burr. Yes.

13 Chairman Sanders. Okay.

14 Senator Burr. Mr. Chairman, as currently written,  
15 Section 104 would amend the Servicemembers Civil Relief Act  
16 to require that all state and local licensing agencies  
17 around the country adopt a new policy on renewing a  
18 professional license held by certain military personnel.

19 In concept, I am sure we can all agree that military  
20 personnel should not lose such a license as a result of  
21 their service. But when we make changes to the law as far-  
22 reaching as this, we should first have a full understanding  
23 of how well existing protections are working where there are  
24 gaps in the impacts or unintended or intended consequences  
25 of those changes.

1           In this case, we should understand how frequently  
2 military personnel are unable to renew a professional  
3 license while on active duty and the reasons why they could  
4 not comply with state and local requirements.

5           In that regard, it appears that many states already  
6 have policies to make it easier for military personnel to  
7 maintain a professional license such as delaying continuing  
8 education requirements or the deferring the need to renew  
9 the license.

10           Before we require an across-the-board change to these  
11 policies, we should first determine which are working and  
12 which are not and how best to address any issues military  
13 personnel face in trying to renew those professional  
14 licenses.

15           But currently, we do not have views from relevant  
16 federal government, state, and local agencies or other  
17 stakeholders or reports, studies, or other materials that  
18 would allow for that type of analysis.

19           So, my amendment would strike the changes that Section  
20 104 would make and instead require GAO to conduct a study on  
21 the barriers faced by military personnel in maintaining a  
22 professional license.

23           As part of that study, GAO would look at what options  
24 are available to military personnel to help them comply with  
25 state and local requirements, how frequently they are unable

1 to maintain licenses despite those options, and the reasons  
2 why they were unable to do so. This should help us figure  
3 out the extent of any problem and tailor an appropriate fix.

4 In fact, this is an approach that the Chairman himself  
5 has followed in crafting other bills on today's agenda.  
6 Those bills include a number of studies or reports aimed at  
7 gathering information to determine whether legislative  
8 changes may be necessary before we actually change the law.

9 Mr. Chairman, this amendment is not meant to suggest  
10 that I am ruling out the need for legislation to help  
11 military personnel maintain professional licenses. It is  
12 simply meant to ensure that we have on the relevant  
13 information about the possible problems before we move  
14 forward. And I yield.

15 Chairman Sanders. Thank you, Senator Burr.

16 Unfortunately, I cannot support this amendment. The  
17 Committee print would ensure licenses are not canceled  
18 during a period when a servicemember is receiving hostile  
19 fire or imminent danger pay.

20 It does so without interfering in the standards by  
21 which a state uses to license an individual. Rather, it  
22 provides a short period of time following deployment in  
23 which a servicemember can ensure they meet whatever  
24 licensing and continuing education requirements a state  
25 deems appropriate.

1 I believe this is a proactive approach to help ensure  
2 servicemembers, especially members of the National Guard and  
3 Reserves, have time to smoothly transition back to a  
4 civilian career following a period of service. I urge my  
5 colleagues to reject this amendment.

6 Unless there is further debate, let us move to a vote  
7 on this amendment. Is there further debate?

8 [No response.]

9 Chairman Sanders. If not, clerk will you call the roll  
10 please.

11 The Clerk. Mr. Rockefeller.

12 Chairman Sanders. Aye by proxy.

13 The Clerk. Mrs. Murray.

14 Chairman Sanders. No by proxy.

15 The Clerk. Mr. Brown.

16 Senator Brown. No.

17 The Clerk. Mr. Tester.

18 Chairman Sanders. No by proxy.

19 The Clerk. Mr. Begich.

20 Chairman Sanders. No by proxy.

21 The Clerk. Mr. Blumenthal.

22 Chairman Sanders. No by proxy.

23 The Clerk. Ms. Hirono.

24 Chairman Sanders. No by proxy.

25 The Clerk. Mr. Burr.

1 Senator Burr. Aye.

2 The Clerk. Mr. Isakson.

3 Senator Burr. Aye by proxy.

4 The Clerk. Mr. Johanns.

5 Senator Johanns. Aye.

6 The Clerk. Mr. Moran.

7 Senator Burr. Aye by proxy.

8 The Clerk. Mr. Boozman.

9 Senator Boozman. Aye.

10 The Clerk. Mr. Heller.

11 Senator Burr. Aye by proxy.

12 The Clerk. Chairman Sanders.

13 Chairman Sanders. Let me correct. Mr. Rockefeller is  
14 a no by proxy.

15 And Sanders is a no.

16 The Clerk. On this vote, the ayes are 6. The nays are  
17 8. The amendment is not agreed to.

18 Chairman Sanders. Senator Burr.

19 Senator Burr. Mr. Chairman, amendment number two to S.  
20 1593 to strike the content of Section 107 and instead  
21 require a study by the General Accounting Office. As  
22 written, Section 107 would amend the Servicemembers Civil  
23 Relief Act so that the interest rate cap would apply to  
24 loans obtained during military service in order to  
25 consolidate or refinance student loans that were incurred

1 before entering the military. This change would apply to  
2 private student loans and to the federal loan programs such  
3 as the direct loan consolidation program.

4 Before making this type of change, we should first  
5 understand what programs and protections are already  
6 available to military personnel, what gaps may exist and the  
7 impact of any possible changes will.

8 At our legislative hearing, the only agency present,  
9 the VA, simply deferred to the Department of Defense,  
10 Education, and Justice as well as the Consumer Financial  
11 Protection Bureau about this provision and the Committee  
12 still has not received views from the relevant agencies.

13 Also, the Federal Government already offers many loan  
14 repayment, forgiveness, and consolidation options. In fact,  
15 Congress had a robust debate earlier this year about setting  
16 interest rates for federal student loan programs.

17 That debate centered around the fact that these  
18 programs are very generous with options based on how much an  
19 individual earns and the size of the loan, not just based on  
20 the interest rate.

21 At a minimum, we should look into whether this change  
22 would lead more military personnel to access programs like  
23 loan consolidation when it is possible they would be better  
24 off choosing other options such as income-based repayment or  
25 pay as you earn.

1           In sum, I do not think this provision has been  
2 thoroughly vetted. So, this amendment would strike the  
3 changes in 107 and instead require GAO to conduct a study on  
4 the options available to military personnel to manage their  
5 student loan debt.

6           As part of that study, GAO would look at what type of  
7 programs are already available to military personnel to deal  
8 with student loan debt, how many military personnel seek to  
9 access these programs, whether they are aware of their  
10 rights under the Servicemembers Civil Relief Act and whether  
11 changes are needed to ensure that military personnel have  
12 access to the appropriate programs and protections to assist  
13 with managing their pre-service student loans.

14           Mr. Chairman, this amendment like my other amendments  
15 on this bill is simply meant to ensure that we have all the  
16 relevant information about the possible problems we might  
17 face if we move forward with this solution. This is an  
18 approach of obtaining more information before we change the  
19 law that was embraced in other bills in today's agenda. I  
20 yield.

21           Chairman Sanders. Senator Burr, thank you very much.  
22 Unfortunately, I cannot support this amendment.

23           The Committee print would prevent servicemembers from  
24 having to choose between taking advantage of the benefits of  
25 loan consolidation such as public student loan forgiveness

1 and the interest rate limitation of the SCRA.

2 This was an issue identified by Holly Petraeus at a  
3 hearing before this Committee earlier this year.

4 Servicemembers should be able to use every available tool  
5 including the protections of the SCRA to manage student loan  
6 debt.

7 For this reason, I would urge my colleagues to reject  
8 this amendment.

9 Further discussion?

10 [No response.]

11 Chairman Sanders. If not, I would ask the clerk to  
12 call the roll.

13 The Clerk. Mr. Rockefeller.

14 Chairman Sanders. No by proxy.

15 The Clerk. Mrs. Murray.

16 Chairman Sanders. No by proxy.

17 The Clerk. Mr. Brown.

18 Senator Brown. No.

19 The Clerk. Mr. Tester.

20 Chairman Sanders. No by proxy.

21 The Clerk. Mr. Begich.

22 Chairman Sanders. No by proxy.

23 The Clerk. Mr. Blumenthal.

24 Chairman Sanders. No by proxy.

25 The Clerk. Ms. Hirono.

1 Chairman Sanders. No by proxy.

2 The Clerk. Mr. Burr.

3 Senator Burr. Aye.

4 The Clerk. Mr. Isakson.

5 Senator Burr. Aye by proxy.

6 The Clerk. Mr. Johanns.

7 Senator Johanns. Aye.

8 The Clerk. Mr. Moran.

9 Senator Burr. Aye by proxy.

10 The Clerk. Mr. Boozman.

11 Senator Boozman. Aye.

12 The Clerk. Mr. Heller.

13 Senator Burr. Aye by proxy.

14 The Clerk. Chairman Sanders.

15 Chairman Sanders. No.

16 The Clerk. On this vote, the ayes are 6. The nays are

17 8. The amendment is not agreed to.

18 Chairman Sanders. Other amendments.

19 Senator Burr. Mr. Chairman.

20 Chairman Sanders. Senator Burr.

21 Senator Burr. Amendment number three. I am just

22 making sure we call it the right number, Mr. Chairman.

23 Currently, Section 302 of the Committee bill would

24 grant authority to the Department of Justice to issue civil

25 investigative demands when investigating possible violations

1 of the Servicemembers Civil Relief Act.

2       Although the Department of Justice has indicated that  
3 they would like this authority, it is not clear whether it  
4 is necessary. In fact, the Justice Department has been  
5 involved in a number of successful Servicemembers Civil  
6 Relief Act investigations over the past few years without  
7 having this authority.

8       It is also not clear whether the authorities of Section  
9 302 contain sufficient protections for the entities that  
10 maybe the recipient of civil investigative demands.

11       For example, it appears that the bill would authorize  
12 Justice to demand documents and written responses from  
13 entities who are not themselves under investigation for  
14 violations of the Servicemembers Civil Relief Act without  
15 the involvement of a court.

16       The bottom line is that before we grant this authority,  
17 we should learn more about why it may be needed, how it is  
18 best used, and what the impact would have on both the  
19 investigations and on the entities that would be the subject  
20 of these demands.

21       So, this amendment would strike Section 302 and instead  
22 require GAO to conduct a study on investigations conducted  
23 by the Department of Justice.

24       As part of the study, GAO would look at the issues that  
25 Justice has encountered in investigating possible violations

1 because it does not have this authority, steps that have  
2 been taken to overcome those issues, and how successfully  
3 they have been and recommendations for improving the ability  
4 of Justice to conduct Servicemembers Civil Relief Act  
5 investigations.

6 I thank the Chair.

7 Chairman Sanders. Thank you, Senator Burr.

8 Unfortunately, I cannot support this amendment. The  
9 Committee print would provide the Department of Justice with  
10 another important tool to use in enforcing the  
11 Servicemembers Civil Relief Act.

12 As the department pointed out in testimony before this  
13 Committee last year, when individuals are uncooperative, DOJ  
14 must undertake costly efforts to obtain the necessary  
15 evidence through alternative routes or forgo the negation.

16 DOJ already has similar authority to enforce other  
17 statutes such as the False Claims Act. The authority  
18 provided by the Committee print is narrow in scope. It  
19 would not allow DOJ to compel oral testimony or sworn  
20 answers to interrogatories.

21 The Committee print also includes a reporting  
22 requirement so Congress can keep a close watch on DOJ's use  
23 of this authority. I believe the federal department charged  
24 with enforcement of the SCRA should have the tools necessary  
25 to enforce the benefits and protections we provide our

1 servicemembers. I urge my colleagues to reject this  
2 amendment.

3 Further discussion?

4 [No response.]

5 Chairman Sanders. If not, clerk will you call the roll  
6 please.

7 The Clerk. Mr. Rockefeller.

8 Chairman Sanders. No by proxy.

9 The Clerk. Mrs. Murray.

10 Chairman Sanders. No by proxy.

11 The Clerk. Mr. Brown.

12 Senator Brown. No.

13 The Clerk. Mr. Tester.

14 Chairman Sanders. No by proxy.

15 The Clerk. Mr. Begich.

16 Chairman Sanders. No by proxy.

17 The Clerk. Mr. Blumenthal.

18 Chairman Sanders. No by proxy.

19 The Clerk. Ms. Hirono.

20 Chairman Sanders. No by proxy.

21 The Clerk. Mr. Burr.

22 Senator Burr. Aye.

23 The Clerk. Mr. Isakson.

24 Senator Burr. Aye by proxy.

25 The Clerk. Mr. Johanns.

1 Senator Johanns. Aye.

2 The Clerk. Mr. Moran.

3 Senator Burr. Aye by proxy.

4 The Clerk. Mr. Boozman.

5 Senator Boozman. Aye.

6 The Clerk. Mr. Heller.

7 Senator Burr. Aye by proxy.

8 The Clerk. Chairman Sanders.

9 Chairman Sanders. No.

10 The Clerk. On this vote, the ayes are 6. The nays are  
11 8. The amendment is not agreed to.

12 Chairman Sanders. Further amendments?

13 Senator Burr. Mr. Chairman, I call up amendment number  
14 six to S. 1262.

15 Mr. Chairman, my amendment is very simple. It would  
16 require that prior to the Secretary of Veterans' Affairs  
17 implementing the Veterans' Conservation Corps, participating  
18 agencies would have to certify to Congress that they have  
19 all taken all practical steps to hire qualified veterans to  
20 fill vacant permanent positions.

21 Federal agencies have several existing hiring  
22 preferences that allow them to quickly hire qualified  
23 veterans into the federal service. These preferences  
24 require no additional legislative action, and it is clear  
25 that veterans would benefit far more from full-time

1 permanent jobs than the temporary positions proposed by this  
2 bill.

3 I urge my colleagues to support this amendment.

4 Chairman Sanders. Thank you, Senator Burr.

5 I am in opposition to your amendment. I already have  
6 explained why I voiced my support for this legislation.

7 Further discussion?

8 [No response.]

9 Chairman Sanders. If not, clerk will you call the roll  
10 please.

11 The Clerk. Mr. Rockefeller.

12 Chairman Sanders. No by proxy.

13 The Clerk. Mrs. Murray.

14 Chairman Sanders. No by proxy.

15 The Clerk. Mr. Brown.

16 Senator Brown. No.

17 The Clerk. Mr. Tester.

18 Chairman Sanders. No by proxy.

19 The Clerk. Mr. Begich.

20 Chairman Sanders. No by proxy.

21 The Clerk. Mr. Blumenthal.

22 Chairman Sanders. No by proxy.

23 The Clerk. Ms. Hirono.

24 Chairman Sanders. No by proxy.

25 The Clerk. Mr. Burr.

1 Senator Burr. Aye.

2 The Clerk. Mr. Isakson.

3 Senator Burr. Aye by proxy.

4 The Clerk. Mr. Johanns.

5 Senator Johanns. Aye.

6 The Clerk. Mr. Moran.

7 Senator Burr. Aye by proxy.

8 The Clerk. Mr. Boozman.

9 Senator Boozman. Aye.

10 The Clerk. Mr. Heller.

11 Senator Burr. Aye by proxy.

12 The Clerk. Chairman Sanders.

13 Chairman Sanders. No.

14 The Clerk. On this vote, the ayes are 6. The nays are

15 8. The amendment is not agreed to.

16 Chairman Sanders. Further amendments.

17 Senator Burr. Mr. Chairman, I call up amendment number

18 seven to S. 1556.

19 Mr. Chairman, this amendment would replace the text of

20 the bill with language that would limit the use of official

21 time by VA employees. As some of my colleagues may know,

22 official time relates to the practice where federal

23 employees are paid by the government to perform union

24 duties.

25 An alarming number of federal employees spend 100

1 percent of their time performing union duties instead of  
2 serving the mission of the agencies they work for.

3 Information doctor Coburn's office shared with my staff  
4 indicates that in 2012 more than 180 VA employees spent 100  
5 percent of their time working on union activities. Examples  
6 of some of the types of VA employees who spent 100 percent  
7 of their time working on union activities in 2012 include 85  
8 VA nurses, four addiction specialists, nine pharmacists and  
9 pharmacist technicians, five social workers, and two  
10 psychologists.

11 VA employees provide vital service to our Nation's  
12 veterans. It is a slap in the face to veterans to not have  
13 every dollar we give to the VA used directly to benefit  
14 their services.

15 With our Nation buried in debt, we need to maximize  
16 taxpayer money we send to the VA. I would encourage my  
17 colleagues to support this commonsense amendment.

18 Chairman Sanders. Further discussion?

19 Senator Brown. Mr. Chairman.

20 Chairman Sanders. Senator Brown.

21 Senator Brown. Thank you, Mr. Chairman.

22 I oppose the amendment. We know that there is a long  
23 history in this country of collective bargaining working for  
24 workers and working for the service at those workers provide  
25 and make for a better workplace, make for better workers,

1 and make for better service.

2 Much of what Mr. Burr speaks about, I believe is  
3 improving those services and making sure that in these  
4 nurses are also serving their coworkers in doing their jobs  
5 better and providing better VA service.

6 This will make for a better workplace and I think that  
7 is only good for veterans and good for the VA. So, I ask  
8 for our colleagues to vote no.

9 Chairman Sanders. Further discussion?

10 [No response.]

11 Chairman Sanders. If not, clerk will you call the roll  
12 please.

13 The Clerk. Mr. Rockefeller.

14 Chairman Sanders. No by proxy.

15 The Clerk. Mrs. Murray.

16 Chairman Sanders. No by proxy.

17 The Clerk. Mr. Brown.

18 Senator Brown. No.

19 The Clerk. Mr. Tester.

20 Chairman Sanders. No by proxy.

21 The Clerk. Mr. Begich.

22 Chairman Sanders. No by proxy.

23 The Clerk. Mr. Blumenthal.

24 Chairman Sanders. No by proxy.

25 The Clerk. Ms. Hirono.

1 Chairman Sanders. No by proxy.

2 The Clerk. Mr. Burr.

3 Senator Burr. Aye.

4 The Clerk. Mr. Isakson.

5 Senator Burr. Aye by proxy.

6 The Clerk. Mr. Johanns.

7 Senator Johanns. Aye.

8 The Clerk. Mr. Moran.

9 Senator Burr. Aye by proxy.

10 The Clerk. Mr. Boozman.

11 Senator Boozman. Aye.

12 The Clerk. Mr. Heller.

13 Senator Burr. Aye by proxy.

14 The Clerk. Chairman Sanders.

15 Chairman Sanders. No.

16 The Clerk. On this vote, the ayes are 6. The nays are

17 8. The amendment is not agreed to.

18 Chairman Sanders. Further amendments?

19 Senator Burr. Mr. Chairman, that concludes all I

20 intend to offer.

21 Chairman Sanders. Okay. Any other amendment?

22 [No response.]

23 Chairman Sanders. Well, listen, I want to thank all of

24 the members who were here for staying throughout. I thank

25 Senator Burr for his thoughtful amendments.

1           With that, I would adjourn the meeting. Thank you.

2           [Whereupon, at 11:05 a.m., the Committee was

3 adjourned.]