

### **Minority Views regarding H.R. 2942, as amended**

The Minority offers the following Minority views regarding H.R. 2942, as amended.

The Minority supports H.R. 2942, as amended, but believes that it could have been stronger if the Majority had considered and accepted an amendment offered by Representative Andy Barr of Kentucky to protect the children of our nation's veterans being cared for through the Department of Veterans Affairs (VA) child care program.

H.R. 2942, as amended, the Helping Expand and Launch Transitional Health for Women Veterans (HEALTH) Act, would extend the Women's Health Transition Training Pilot (the pilot) through fiscal year 2020 and require a report from the Department of Defense (DOD) and VA on the pilot. The pilot began as a partnership between VA's Office of Women's Health Services and DOD's Air Force Women's Initiative Team.<sup>1</sup> The purpose of the pilot is to increase utilization of the VA healthcare system among women veterans by raising awareness of the VA health care services available for women during servicewomen's transition out of the military.<sup>2</sup>

The lack of child care services at many VA medical facilities is frequently cited as a barrier to care for veterans, in general, and for women veterans, in particular. A 2015 independent study required by the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163; 124 Stat. 1130) on the barriers to comprehensive health care experienced by women veterans found that 42 percent of women who use the VA healthcare system considered finding childcare to attend medical appointments either "somewhat hard" or "very hard."<sup>3</sup> Furthermore, 42 percent of the women veterans surveyed had dependents 17 years or younger living at home and 62 percent indicated that they would find on-site childcare at a VA medical center "very helpful."<sup>4</sup>

On February 8, 2019, the House passed H.R. 840, as amended, the Veterans' Access to Child Care Act, to permanently extend a pilot program to provide child care assistance to veterans who are receiving mental health or certain other intensive healthcare services and expand it across the VA healthcare system. H.R. 840 was moved straight to the House Floor, bypassing regular order and any consideration or debate within the Committee. Upon House passage of that bill, Representative Julia Brownley of California, the bill's sponsor as well as the Chairwoman of the Subcommittee on Health and the Bipartisan Women Veterans Task Force, noted that, "ensuring veterans have access to child care is especially important for our growing population of women

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<sup>1</sup> *Veterans Affairs – Air Force Women's Health Transition Training Pilot*. June 11, 2019. Presentation for Committee on Veterans' Affairs Minority staff by VA Office of Women's Health Services and Air Force Women's Initiative Team staff.

<sup>2</sup> Ibid.

<sup>3</sup> *Study of Barriers for Women Veterans to VA Health Care*. U.S. Department of Veterans Affairs. April 2015. [https://www.womenshealth.va.gov/docs/Womens%20Health%20Services\\_Barriers%20to%20Care%20Final%20Report\\_April2015.pdf](https://www.womenshealth.va.gov/docs/Womens%20Health%20Services_Barriers%20to%20Care%20Final%20Report_April2015.pdf)

<sup>4</sup> Ibid.

veterans, who are more likely to be taking care of young children.”<sup>5</sup> The Minority concurs with Representative Brownley’s assessment of the importance of the VA child care program to women veterans. H.R. 840, as amended, passed the House by a recorded vote of 400-9.

During Floor consideration of H.R. 840, as amended, Representative Mikie Sherrill of New Jersey offered an amendment to prohibit a child care center, agency, or provider from caring for a veteran’s child under the VA child care program if they employ an individual who has been *convicted* of a sex crime, a violent crime, a drug felony, or another offense VA considers appropriate. Representative Mark Takano of California, the Chairman of the Committee, noted during Floor debate regarding Representative Sherrill’s amendment that, “at the very minimum, veterans who need childcare so they can see their healthcare providers must trust that those who are watching their children will keep their children safe.”<sup>6</sup> The Minority concurs with Chairman Takano’s assessment of the importance of ensuring that children in the VA child care program are safe. Representative Sherrill’s amendment was agreed to by a recorded vote of 401-19.

Prior to the passage of H.R. 840, Representative Barr offered a Motion to Recommit (MTR). Representative Barr’s MTR would affirmatively prohibit VA from paying a child care provider if they employ an individual who has been *charged* with a sex offense, an offense involving a child victim, a violent crime, a drug felony, or other offense that VA determines appropriate *unless the child care provider has suspended the individual from having any contact with children while on the job until the case has been resolved*. Current law allows, *but does not require*, a child care facility operated by or under contract with a federal agency to suspend a child care worker if they have been charged with a sex crime, an offense involving a child victim, a violent crime, or a drug felony but whose charge is still pending. The MTR failed by a recorded vote of 200-214.

During the Full Committee markup of H.R. 2942, as amended, Representative Barr offered an amendment that was identical to the MTR he offered to H.R. 840, as amended. Both H.R. 2942, as amended, and the amendment that Representative Barr offered share a primary goal of increasing utilization of VA healthcare among women veterans. Despite this, Chairman Takano ruled the amendment non-germane. This is the first time in at least a decade that a Chairman of the Committee refused to consider an amendment due to germaneness. During debate regarding the germaneness of the amendment, Chairman Takano repeatedly gavelled down members of the Minority arguing in favor of the amendment’s germaneness. Representative Barr moved to appeal Chairman Takano’s ruling. However, Representative Conor Lamb of Pennsylvania successfully moved to table the appeal. Representative Lamb’s motion was agreed to by a recorded vote of 14-13, with 14 members of the Majority voting to end debate on the

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<sup>5</sup> *House Passes Brownley Bill to Expand Child Care Program to Improve Veterans’ Access to Healthcare*. February 8, 2019. <https://juliabrownley.house.gov/house-passes-brownley-bill-to-expand-child-care-program-to-improve-veterans-access-to-healthcare/>. Accessed July 14, 2019.

<sup>6</sup> Representative Mark Takano of California. “Veterans’ Access to Child Care Act.” *Congressional Record* p. H1475. <https://www.congress.gov/116/crec/2019/02/08/CREC-2019-02-08-pt1-PgH1469-2.pdf>. Accessed: July 14, 2019.



germaneness of the amendment and 2 members of the Majority joining with 11 members of the Minority in voting to continue debating the germaneness of the amendment.

The Minority believes that the willingness of women veterans with minor children to use the VA child care program - and, therefore, access the services available to them through the VA healthcare system - is directly correlated to their assurance that their children will be safe in the child care facilities that VA provides, either in VA facilities or through contracts with other child care entities. Representative Barr's amendment would close a loophole that would allow an individual who has been charged with a serious crime - such as a sexual or physical assault of a child - from caring for a veteran's child under the VA child care program. While the amendment does not presuppose guilt for an individual charged with one of these offenses, it does recognize the considerable amount of time it takes for some cases to proceed through the criminal justice system and the pressing need to ensure the safety of veterans' children by preventing them from being preyed upon by potential predators.

The Minority also believes that the procedural tactics Chairman Takano used in a partisan manner during the markup of H.R. 2942, as amended, do an immense disservice to the Committee and, more importantly, to our nation's veterans. Throughout its 73-year history, the Committee has prided itself on a shared spirit of bipartisanship and compromise on behalf of the men and women who have honorably served our country. Refusing to consider a constructive amendment offered by a Member of the Minority to protect the vulnerable children of those men and women is an unprecedented affront to that history.



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