## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

## VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2000

Mr. STUMP. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4850) to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing compensation and life insurance benefits for veterans, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2000''.*

***SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.***

*(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2000, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).*

*(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:*

*(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.*

*(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.*

*(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.*

*(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.*

*(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.*

*(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.*

*(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.*

*(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.*

*(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2000.*

*(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2000, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).*

*(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.*

*(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.*

***SEC. 3. PUBLICATION OF ADJUSTED RATES.***

*At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2001, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.*

Amend the title so as to read: ''An Act to increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4850.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

Mr. STUMP. H.R. 4850 is the Veterans' Compensation Cost-of-Living Adjustment Act of 2000.

This is a clean bill providing a cost-of-living adjustment to disabled veterans and their surviving spouses. Current estimates indicate that the increase will be about 3 percent, and veterans will see this increase in their January check.

I urge my colleagues to support the passage of H.R. 4850.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 4850, as amended. I thank the gentleman from Arizona (Mr. STUMP) once again for his leadership on this important legislation and for his continued efforts on behalf of this Nation's veterans.

I also want to thank the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits, and the gentleman from California (Mr. FILNER), the ranking Democratic member of the subcommittee for their hard work on this measure.

The importance of this legislation cannot be overstated. It protects the purchasing power of service-connected disability benefits which our Nation's veterans have earned by virtue of their military service, and it affords similar protection for the recipients of dependency and indemnity compensation (DIC).

Under the Veterans' Compensation Cost-of-Living Adjustment Act of 2000, effective December 1, a cost-of-living adjustment will be provided for service-connected disability compensation and DIC benefits. This adjustment will be the same as that provided to Social Security recipients.

I call on every Member of this body to support this important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. NEY. Madam Speaker, I commend the following article to my colleagues:

On behalf of all the Veterans, I stand in support of H.R. 4850, the Veterans Cost of Living Adjustments Act of 2000 and urge all my colleagues to do the same. I thank Chairman STUMP for introducing this piece of legislation and giving the House and Senate the opportunity to vote on such a bill.

H.R. 4850 directs the Secretary of Veterans Affairs to increase the rates of veterans disability compensation, dependency and indemnity compensation, additional compensation for dependents, and the clothing allowance for certain disabled veterans, effective December 1, 2000.

Not only does the bill give veterans a cost of living adjustment, but this legislation includes a provision that will directly benefit veterans in Ohio attending Ohio University in Athens. The Department of Veterans Affairs (VA) decided to reverse itself on a long-standing policy issue and eliminate a December veterans educational benefit payment to approximately 360 eligible veterans who are students at Ohio University (OU).

This problem now exists for veterans because of OU's extended break between the fall and winter quarter which runs from the day prior to Thanksgiving until the day after New Years, which averages about 40 days or six weeks of down time. OU is one of only a few public universities that takes such a lengthy break from classes within its academic year. The VA has a policy which suspends benefits under the Montgomery GI Bill to veterans if they experience a break of more than 30 days between enrollment periods.

In years past, the VA approved an exemption from the policy for OU because the university uses the extended break to conserve energy by closing residence halls and academic buildings. Unfortunately, the VA recently ruled that OU will no longer qualify for an exemption. This means that if veterans are going to be paid for the month of December, they must be enrolled.

In order to remedy this situation, H.R. 4850 includes a provision that will authorize the continued payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods between semesters or quarters if the interval does not exceed eight weeks. This legislation will also correct this problem for veterans around the country who attend other educational institutions that also have a break between classes of over 30 days.

It is not reasonable to punish veterans by withholding their December benefits when they

do not have the option of enrolling in course work between the fall and winter quarters that is appropriate to their academic programs. The Veterans Cost of Living Adjustments Act of 2000 will right this wrong and help veterans who are trying to better their lives by completing college.

I again thank the Chairman and urge my colleagues to support this legislation.

Mr. FILNER. Madam Speaker, I would like to thank Chairman STUMP, Ranking Member EVANS and Mr. QUINN, Chairman of the Subcommittee on Benefits for once again assuring our country's veterans and their survivors that the value of their VA benefits will not be eroded by increases in the cost of living.

This measure is important to the continued financial well-being of our disabled veterans and their survivors. H.R. 4850 will provide a cost-of-living increase comparable to the increase received by Social Security beneficiaries. Our veterans and their families deserve no less.

I urge all members to support this bill.

Mr. GILMAN. Madam Speaker, I rise today in strong support of H.R. 4850, The Veterans' Cost of Living Adjustments Act of 2000.

H.R. 4850 authorizes a cost-of-living adjustment to veterans who receive disability compensation and dependency and indemnity compensation to surviving spouses of prisoners of war who received complete disability at time of death, due to service-related injuries. This will be effective December 1, 2000.

Congress has approved an annual cost-of-living adjustment to these veterans and survivors since 1976.

The bill also directs that strokes and heart attacks suffered by reserve component members in the performing of inactive duty training are to be considered service-connected.

Additionally, the legislation requires that compensation be paid at the "K" rate for the service-connected loss of one or both breasts due to a radical mastectomy, and expands eligibility for service-members group life insurance policies for certain members of the individual ready reserve.

Madam Speaker, I believe this is a worthy piece of legislation and an appropriate response of this legislative body to the sacrifices made by our Nation's veterans and their families.

Mr. STUMP. Madam Speaker, I want to thank the gentleman from Illinois (Mr. EVANS) for his hard work and contribution to this bill.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. EVANS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4850.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

## VETERANS CLAIMS ASSISTANCE ACT OF 2000

Mr. STUMP. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4864) to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Veterans Claims Assistance Act of 2000''.*

***SEC. 2. CLARIFICATION OF DEFINITION OF "CLAIMANT" FOR PURPOSES OF VETERANS CLAIMS.***

*Chapter 51 of title 38, United States Code, is amended by inserting before section 5101 the following new section:*

***''§ 5100. Definition of 'claimant'***

*''For purposes of this chapter, the term 'claimant' means any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary.''.*

***SEC. 3. ASSISTANCE TO CLAIMANTS.***

*(a) REAFFIRMATION AND CLARIFICATION OF DUTY TO ASSIST.—Chapter 51 of title 38, United States Code, is further amended by striking sections 5102 and 5103 and inserting the following:*

***''§ 5102. Application forms furnished upon request; notice to claimants of incomplete applications***

*''(a) FURNISHING FORMS.—Upon request made by any person claiming or applying for, or expressing an intent to claim or apply for, a benefit under the laws administered by the Secretary, the Secretary shall furnish such person, free of all expense, all instructions and forms necessary to apply for that benefit.*

*''(b) INCOMPLETE APPLICATIONS.—If a claimant's application for a benefit under the laws administered by the Secretary is incomplete, the Secretary shall notify the claimant and the claimant's representative, if any, of the information necessary to complete the application.*

***''§ 5103. Notice to claimants of required information and evidence***

*''(a) REQUIRED INFORMATION AND EVIDENCE.—Upon receipt of a complete or substantially complete application, the Secretary shall notify the claimant and the claimant's representative, if any, of any information, and any medical or lay evidence, not previously provided to the Secretary that is necessary to substantiate the claim. As part of that notice, the Secretary shall indicate which portion of that information and evidence, if any, is to be provided by the claimant and which portion, if any, the Secretary, in accordance with section 5103A of this title and any other applicable provisions of law, will attempt to obtain on behalf of the claimant.*

*''(b) TIME LIMITATION.—(1) In the case of information or evidence that the claimant is notified under subsection (a) is to be provided by the claimant, if such information or evidence is not received by the Secretary within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.*

*''(2) This subsection shall not apply to any application or claim for Government life insurance benefits.*

***''§ 5103A. Duty to assist claimants***

*''(a) DUTY TO ASSIST.—(1) The Secretary shall make reasonable efforts to assist a claimant in obtaining evidence necessary to substantiate the claimant's claim for a benefit under a law administered by the Secretary.*

*''(2) The Secretary is not required to provide assistance to a claimant under this section if no reasonable possibility exists that such assistance would aid in substantiating the claim.*

*''(3) The Secretary may defer providing assistance under this section pending the submission by the claimant of essential information missing from the claimant's application.*

*''(b) ASSISTANCE IN OBTAINING RECORDS.—(1) As part of the assistance provided under subsection (a), the Secretary shall make reasonable efforts to obtain relevant records (including private records) that the claimant adequately identifies to the Secretary and authorizes the Secretary to obtain.*

*''(2) Whenever the Secretary, after making such reasonable efforts, is unable to obtain all of the relevant records sought, the Secretary shall notify the claimant that the Secretary is unable to obtain records with respect to the claim. Such a notification shall—*

*''(A) identify the records the Secretary is unable to obtain;*

*''(B) briefly explain the efforts that the Secretary made to obtain those records; and*

*''(C) describe any further action to be taken by the Secretary with respect to the claim.*

*''(3) Whenever the Secretary attempts to obtain records from a Federal department or agency under this subsection or subsection (c), the efforts to obtain those records shall continue until the records are obtained unless it is reasonably certain that such records do not exist or that further efforts to obtain those records would be futile.*

*''(c) OBTAINING RECORDS FOR COMPENSATION CLAIMS.—In the case of a claim for disability compensation, the assistance provided by the Secretary under subsection (b) shall include obtaining the following records if relevant to the claim:*

*''(1) The claimant's service medical records and, if the claimant has furnished the Secretary information sufficient to locate such records, other relevant records pertaining to the claimant's active military, naval, or air service that are held or maintained by a governmental entity.*

*''(2) Records of relevant medical treatment or examination of the claimant at Department health-care facilities or at the expense of the Department, if the claimant furnishes information sufficient to locate those records.*

*''(3) Any other relevant records held by any Federal department or agency that the claimant adequately identifies and authorizes the Secretary to obtain.*

*''(d) MEDICAL EXAMINATIONS FOR COMPENSATION CLAIMS.—(1) In the case of a claim for disability compensation, the assistance provided by the Secretary under subsection (a) shall include providing a medical examination or obtaining a medical opinion when such an examination or opinion is necessary to make a decision on the claim.*

*''(2) The Secretary shall treat an examination or opinion as being necessary to make a decision on a claim for purposes of paragraph (1) if the evidence of record before the Secretary, taking into consideration all information and lay or medical evidence (including statements of the claimant)—*

*''(A) contains competent evidence that the claimant has a current disability, or persistent or recurrent symptoms of disability; and*

*''(B) indicates that the disability or symptoms may be associated with the claimant's active military, naval, or air service; but*

*''(C) does not contain sufficient medical evidence for the Secretary to make a decision on the claim.*

*''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.*

*''(f) RULE WITH RESPECT TO DISALLOWED CLAIMS.—Nothing in this section shall be construed to require the Secretary to reopen a claim that has been disallowed except when new and material evidence is presented or secured, as described in section 5108 of this title.*