

H.R. 1536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7451(d)(3)(C)(iii) of title 38, United States Code, is amended by striking out "April 1, 1995" and inserting in lieu thereof "December 31, 1997".

The SPEAKER pro tempore (Mr. LATHAM). Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes and the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 1536.

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

There was no objection.

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

Mr. Speaker, H.R. 1536 would extend until December 31, 1997, the authority to permit VA Medical Center Directors to use nurse anesthetist contract agency compensation data to adjust locality-based nurse pay rates.

This would only be done where a VA locality survey provides insufficient data.

The Department requested extension of this authority which will allow the VA to remain competitive in the job market for nurse anesthetists.

The Congressional Budget Office has stated the bill would have no significant cost to the Federal Government.

I want to thank the ranking member of the Veterans' Affairs Committee, SONNY MONTGOMERY for helping move the bill to the floor.

I also want to thank TIM HUTCHINSON, chairman of the Hospitals and Health Care Subcommittee, and CHET EDWARDS the subcommittee's ranking member for their efforts on the bill.

Mr. MONTGOMERY. Mr. Speaker, I yield yield such time as he may consume to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, again, as with the previous legislation that we just passed, this legislation will basically help the VA medical centers bring the best quality of health care to our Nation's veterans by allowing flexibility in pay scale for VA nurse anesthetists. This will allow us to keep many of our finest nurse anesthetists in the VA hospitals. Without this legislation, there is a very real chance that many of these important people in our VA health care system might be pulled out of the public health care system and somewhere into private practice. If that were to happen, that would be a loss not only to our VA health care centers, but to the veterans that they serve.

Mr. Speaker, once again, as in the previous legislation, I want to com-

mend the gentleman from Arizona [Mr. STUMP] and the gentleman from Arkansas [Mr. HUTCHINSON] for their leadership on this important legislation, along with the gentleman from Mississippi [Mr. MONTGOMERY] for his leadership as the ranking member of the full committee. I urge passage of this legislation.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 1536. I want to commend the gentleman from Arizona [Mr. STUMP] for his work on this bill and for bringing it to the floor today. Again, I thank the ranking member, the gentleman from Mississippi [Mr. MONTGOMERY], for his work on this bill, along with so many on behalf of veterans. I also want to express my gratitude to the gentleman from Texas [Mr. EDWARDS], the ranking member on the Subcommittee on Hospitals and Health Care, for his kind words earlier and for his good work and for how easy it is to work with him on behalf of all veterans.

This is another one of those bills, as Mr. EDWARDS said, that will not be on the evening news, but it is an example of the way Congress ought to work. Mr. Speaker, members of this committee, Mr. STUMP, Mr. MONTGOMERY, Mr. EDWARDS, and the other members of our committee, Mr. KENNEDY, we have very strong differences on many issues. We certainly are no less loyal to our political parties, but what makes this committee work so well is a greater loyalty to our veterans. While we feel strongly about our particular issues, we feel even stronger about the need to work together on behalf of the veterans of this country. So it is a great committee on which to serve.

Mr. Speaker, I rise in full support of this legislation to extend the expiring authority to determine locality pay for VA nurse anesthetists and urge immediate passage of the bill. The bill continues the VA authority to use salary data from any employee of nurse anesthetists as a means of setting appropriate locality pay rates to December 31, 1997. This authority was made necessary because of a quirk in the Veterans Affairs Nurse Pay Act of 1990 which established a locality pay system for VA nurses, but failed to provide an adequate means for determining the rates of pay for nurse anesthetists.

The legislation passed unanimously in both the Subcommittee on Hospitals and Health Care and the full Veterans Affairs Committee. It is supported by the VA, and CBO has concluded that the legislation has no significant cost to the Federal Government. So once again, Mr. Speaker, I urge quick passage of H.R. 1536.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, there have been some around here who have said in years

past that the members of the Committee on Veterans Affairs get up and congratulate each other on both sides of the aisle, and I like that. I think we would do much better around here if we did that in other committees, if we were to work more closely together. We enjoy working with the other side of the aisle, as they enjoy working with us. Of course, we have a wonderful constituency in that we have the veterans and their dependents and the others who are affected by what we do in veterans programs.

Mr. Speaker, I rise in support of this legislation, and I would hope that this would be a unanimous vote.

Mr. Speaker, I yield back the balance of my time.

□ 1530

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

The SPEAKER pro tempore (Mr. LATHAM). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 1536.

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

A motion to reconsider was laid on the table.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1995

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2394) to increase, effective as of December 1, 1995, 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 Clerk read as follows:

H.R. 2394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1995".

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, 1995, 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 DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

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

(c) DETERMINATION OF INCREASE.—The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1995.

(2) Except as provided in paragraphs (3) and (4), 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.) as increased effective December 1, 1995, 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.

(4)(A) The old-law DIC rates shall each be increased by the amount by which the new-law DIC rate is increased as determined under paragraphs (2) and (3).

(B) For purposes of this paragraph:

(i) The term "old-law DIC rates" means the dollar amounts in effect under section 1311(a)(3)(3) of title 38, United States Code.

(ii) The term "new-law DIC rate" means the dollar amount in effect under section 1311(a)(1) of title 38, United States Code.

(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.

(e) 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 1995, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased pursuant to subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes, and the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. 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. 2394.

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

There was no objection.

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

Mr. Speaker, H.R. 2394, the Veterans' Compensation Cost-of-Living Adjustment Act of 1995, would authorize the VA to provide the same cost-of-living adjustment [COLA] payable to Social Security recipients.

However, the bill is consistent with the reconciliation recommendations recently forwarded by the VA Committee to the Budget Committee.

Those recommendations include rounding down the 1996 COLA to the next lower dollar amount for veterans receiving disability compensation and dependency and indemnity compensation [DIC] recipients.

Additionally, the bill would provide an equal COLA to all DIC recipients based upon the new flat-rate payment schedule.

The Congressional Budget Office has indicated the bill reduces direct spending under the pay-as-you-go budget rules.

I believe this bill treats veterans and their survivors fairly while complying with the budget resolution, and I urge my colleagues to support the bill.

I want to thank my good friend SONNY MONTGOMERY, the ranking minority member of the committee for his assistance on this measure.

Before yielding to him I also want to thank TERRY EVERETT, chairman of the Compensation Subcommittee and LANE EVANS, the ranking minority member on the subcommittee for their efforts on this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. EVERETT] for an explanation of the bill.

Mr. EVERETT. Mr. Speaker, H.R. 2394 is a cost of living adjustment bill which will increase the rates of compensation for service connected disabled veterans along with the rates of dependency and indemnity compensation [DIC] for survivors of certain disabled veterans. The rate of increase will match that set by the Social Security Administration and will become effective on December 1, 1995.

In 1993, the House Veterans' Affairs Committee approved a measure that granted a one-half COLA based on the new-law benefit amount for all DIC recipients.

This year, however, despite some COLA provisions to help meet the committee's reconciliation targets, we will be able to improve on OBRA 93 and give a full rate increase to all DIC recipients based on the new-law benefit amount of \$790.

This bill would also provide for a round down to the next lower dollar amount for all compensation and DIC benefits when the amount is not a whole dollar. While we have not studied all cost of living adjustments, according to the congressional research service, a major portion of Federal programs made COLA round downs permanent in the 1980's, including military retirement, aid for dependent children, supplemental security income, Social Security, railroad retirement, civil service retirement, and food stamps.

This is a good bill. If the letters from your constituents are anything like the ones I have been receiving, you know that a full DIC COLA is not something a lot of surviving spouses

are expecting. This year, the administration's budget request and the budget resolution both suggested a half COLA. With a bipartisan effort, we are able to provide a full rate increase to help ensure an adequate standard of living for the 2.23 million veterans receiving disability compensation, in addition to the almost 313,000 surviving spouses and children of our veterans whose lives were shortened by service-connected illness or injury.

Mr. Speaker, I would also like to add to what has been said about my good friend the gentleman from Mississippi [Mr. MONTGOMERY]. I came to this Congress 2½ years ago. He was one of the first men I met here. I have great admiration for him. I also have many people in my district who know him and love him, think the world of him.

I would just echo what was said. If all Members of this Congress operated the way that SONNY MONTGOMERY operates, this Congress would have a much different reputation.

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

Mr. Speaker, I want to thank the gentleman from Alabama, the chairman of the Subcommittee on Compensation, Pension Insurance and Memorial Affairs of the Committee on Veterans' Affairs, for the kindness he said. If I have done that well, maybe I should not leave, but I know it is time to go.

I enjoy working with the gentleman from Alabama. Our districts join in the two States. We are very close friends. I commend the gentleman from being the chairman of the subcommittee and taking an interest in the compensation, in working in certain areas that need to be done, such as the computer area, which has saved the taxpayers some money. I want to commend the gentleman.

Mr. Speaker, I am in strong support of the last bill on the calendar for today, H.R. 2394. It will provide for a cost-of-living adjustment for disabled veterans and their survivors.

The bill, I want to express this, Mr. Speaker, calls for the increases to be effective December 1, 1995. It is my understanding also that this will be around 3 percent. I wanted to also say that it does go and help the disabled veterans. I urge my colleagues to support this measure.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, this bill we are considering today—to provide disabled veterans the same cost-of-living adjustment as we give Social Security recipients—represents one of the most important contracts we must honor.

That contract is the one we have with disabled veterans of our military services to enable their COLA's to keep up with the consumer price index. In my view, simply keeping up with inflation as this bill does, is only a bare minimum of what we owe our disabled veterans. They deserve more.

As disabled veterans age, their disabilities often cause problems at an increasing rate. Therefore, we absolutely must increase their COLA's with the rate of inflation and we really should do more for them.

I believe our priorities are wrong when we are spending \$15 billion more on airlift than necessary by buying the enormously expensive C-17 air cargo plane. Our priorities are wrong when we are signing up for 20 more B-2 bombers that the Department of Defense does not even want at an eventual cost of at least \$30 billion.

Rather than waste more taxpayer dollars on these outmoded cold war systems, it is far more important for us to attempt to repay the debt we owe our disabled veterans and their survivors. They have made tremendous sacrifices on our behalf and we do not do enough for them.

Before I close, I want to pay tribute to my colleague, Mr. MONTGOMERY. He has worked incredibly hard on behalf of our Nation's veterans for many, many years. We all appreciate the contributions you have made and I look forward to working with you throughout the remainder of this Congress.

I urge my colleagues to support the veterans disability compensation cost of living adjustment.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to thank the gentlewoman from Oregon. She has been very supportive of veterans' programs. She has always been there when we have asked for her support. She has never voted against one of the veterans' bills. I look forward to working with the gentlewoman for 14, 15 more months. I thank the gentlewoman for talking on this bill.

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

Mr. STUMP. Mr. 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 pass the bill, H.R. 2394.

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

A motion to reconsider was laid on the table.

SECOND SUPPLEMENTARY AGREEMENT AMENDING AGREEMENT BETWEEN UNITED STATES AND GERMANY ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-123)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee

on Ways and Means and ordered to be printed.

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act (the "Act"), as amended by the Social Security Amendments of 1977 (Public Law 95-216; 42 U.S.C. 433(e)(1)), I transmit herewith the Second Supplementary Agreement Amending the Agreement Between the United States of America and the Federal Republic of Germany on Social Security (the Second Supplementary Agreement), which consists of two separate instruments: a principal agreement and an administrative arrangement. The Second Supplementary Agreement, signed at Bonn on March 6, 1995, is intended to modify certain provisions of the original United States-Germany Social Security Agreement, signed January 7, 1976, which was amended once before by the Supplementary Agreement of October 2, 1986.

The United States-Germany Social Security Agreement is similar in objective to the social security agreements with Austria, Belgium, Canada, Finland, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

The present Second Supplementary Agreement, which would further amend the 1976 Agreement to update and clarify several of its provisions, is necessitated by changes that have occurred in U.S. and German law in recent years. Among other things, it would extend to U.S. residents the advantages of recent German Social Security legislation that allows certain ethnic German Jews from Eastern Europe to receive German benefits based on their Social Security coverage in their former homelands.

The United States-Germany Social Security Agreement, as amended, would continue to contain all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the provisions of section 233, pursuant to section 233(c)(4) of the Act.

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Second Supplementary Agreement, along with a paragraph-by-paragraph explanation of the effect of the amendments on the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Act on the effect of the agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the agreement. The Department of State and the Social Security

Administration have recommended the Second Supplementary Agreement and related documents to me.

I commend the United States-Germany Second Supplementary Social Security Agreement and related documents.

WILLIAM J. CLINTON.

THE WHITE HOUSE, October 10, 1995.

TOLERANCE AND JUSTICE FOR ALL AMERICANS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today my city of Denver and many other Coloradans went to the Supreme Court and a very, very powerful argument was put together by my city and many others that would say that all Americans, all Americans, have the right to equal protection of the laws, including gay men and lesbians. Amendment 2 was adopted by a slim majority in my State of Colorado in 1992, and this is the final culmination of it in the Supreme Court.

Mr. Speaker, as I stand in this well, the word "tolerance" is right here to my left. The word "justice" is right behind me. Those kinds of words are printed all over and chiseled on stone all throughout this great city. The issue today is do we really mean it.

Justice Ginsburg made a compelling analogy to the suffragettes, pointing out that when they could not win the right to vote nationally, they went to localities to do that. I certainly hope that the outcome continues to be in accordance with the words that we have chiseled on all of our stones around here about tolerance and justice and equal protection for all.

Mr. Speaker, the Supreme Court today heard a powerful argument on behalf of the city of Denver and other parties that a majority of voters cannot override the right to equal protection of the laws enjoyed by all Americans, including gay men and lesbians.

Amendment 2, adopted by a slim majority of voters in 1992, would have deprived all branches of Colorado government of the power to remedy any claim of discrimination based on homosexual, lesbian, or bisexual orientation. Some people have framed this as a special protection issue, but it is clear that what is at issue is the right of people to be free from arbitrary, irrational discrimination based on their sexual orientation. Equal treatment, not special treatment, is the issue. Even more fundamentally, what is at stake is the ability of one group of voters to place roadblocks in the way of others who seek to participate in the political process.

Justice Ruth Bader Ginsburg made a compelling analogy in this morning's argument to the suffragists and their struggle to win the vote for women. She noted that when suffragists were unable to win the right to vote on a broader basis, they sought and won the right to vote in certain localities. It would have been an outrageous interference with the political gains made by suffragists at the local level for a State to move to invalidate those local voting laws. Similarly, it is unacceptable for a slim