

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

Mr. STUMP. Madam Speaker, I would like to thank the gentleman from Illinois (Mr. EVANS), the ranking member, for all of his assistance, as well as the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Benefits, and the gentleman from California (Mr. FILNER).

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of several veterans' bills that the House is considering today. First, H.R. 4850, the Veterans' Benefits Act of 2000, will increase, effective December 1, 2000, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans. As in previous years, these deserving men and women will receive the same cost-of-living-adjustment (COLA) that Social Security recipients are scheduled to receive, and as a cosponsor of H.R. 4850, I am pleased that we are acting to provide disabled veterans and their survivors with an annual COLA.

H.R. 4850 includes several other important provisions. Under the measure, a stroke or heart attack suffered or aggravated by a reservist during inactive duty training will be considered service-connected. This will allow reservists to receive disability compensation for these conditions if they become disabled while on inactive duty training. H.R. 4850 would also provide a special monthly compensation for the service-connected loss of one or both breasts due to a radical mastectomy, at the same rate as that for a service-connected "loss or loss of use of one or more creative organs." Finally, H.R. 4850 will permit certain members of the Individual Ready Reserve to participate in the Servicemembers Group Life Insurance program.

The second veterans' bill we are considering today, the Veterans Claims Assistance Act of 2000, would eliminate the requirement that a claimant first submit a "well-grounded claim" before receiving assistance from the VA Secretary. A well-grounded claim for service-connected disability benefits would be one that included supporting medical opinion and evidence.

H.R. 4864 would require the VA Secretary to make a reasonable effort to obtain relevant records identified and authorized by the claimant. The VA Secretary would also have to provide a medical examination if warranted. H.R. 4864 would permit veterans who had claims denied or dismissed by the Court of Appeals for Veterans Claims to request a review of those claims within two years of enactment. Finally, H.R. 4864 would require other federal agencies to furnish relevant records to the VA at no cost to the claimant.

The VA has a long history of assisting veterans to obtain government and other records which may substantiate their claim for benefits. However, last year, the Court of Appeals for Veterans Claims held that the VA had no authority to develop claims that are not well-grounded. Anyone who has ever had to deal with a bureaucracy knows how frustrating it can be, and the Court's decision had a devastating impact on a veteran's ability to develop his or her claim. H.R. 4864 reaffirms the government's obligation to assist our nation's veterans in developing their benefit claims,

and I am honored to be an original cosponsor of this legislation.

Finally, I am pleased that the House will consider another resolution that I have cosponsored regarding the Persian Gulf War. Next month marks the tenth anniversary of the initial activation of the National Guard and Reserve personnel for Operation Desert Shield and Operation Desert Storm as a consequence of the invasion of Kuwait by Iraq. Over 267,000 members of the National Guard and Reserve were ordered to active duty during the Persian Gulf War, and 57 of them lost their lives in service to their nation.

H. Res. 549 recognizes the historical significance of this anniversary and honors the service and sacrifice of these National Guard and Reserve personnel during Operation Desert Shield and Operation Desert Storm. The resolution also recognizes the growing importance of the National Guard and Reserve to the Security of the United States.

Mr. Speaker, I urge my colleagues to support all three of these important veterans bills.

Mr. WATTS of Oklahoma. Madam Speaker, I rise in support of H.R. 4850, the Veterans Benefits Acts of 2000 and H.R. 4864, the Veterans Claims Assistance Act of 2000—two bills that give overdue support and assistance to our Nation's veterans. There are more than 2.6 million veterans receiving disability compensation as of May 2000, and the Department of Veterans Affairs expects expenditures for disability compensation to reach \$15 billion for FY 2000.

H.R. 4850 directs the Veterans Secretary to increase the rates of veterans disability compensation, dependency and indemnity compensation, and additional compensation for dependents, which is equal to the Social Security cost-of-living adjustment (COLA) that will take place on December 1, 2000. Furthermore, this bill provides for a change in the law which states that a stroke or heart attack that is incurred by a member of a reserve component in the performance of duty shall be considered service-connected for the purpose of benefits under law. Finally, H.R. 4850 provides compensation for the service-connected loss of one or both breasts due to a radical mastectomy and will be treated as other service-connected loss of organs or limbs.

In addition to H.R. 4850, I support H.R. 4864 which authorizes the Secretary of Veterans Affairs to assist a claimant in obtaining evidence to establish entitlement to a benefit. The bill requires the Secretary to make reasonable efforts to obtain relevant records that the claimant identifies. Also, it eliminates the requirement that a claimant submit a "well-grounded" claim before the Secretary can assist in obtaining evidence to support a claimant. This is a change as the result of a recent Court of Appeals case that stated the Veterans Administration (VA) could help a veteran obtain records relevant to a claim only after the veteran provided enough evidence to prove that the claim is "well-grounded." This decision led to confusion on the part of the VA as to the meaning and application of the "well grounded" claim requirement. H.R. 4864 clarifies the "well grounded" claim requirement and enables the VA to once again provide as much assistance as possible to veterans.

I fully support these two important bills. I have always believed how our nation treats the veterans has a direct impact upon our ability to attract patriotic young Americans to mili-

tary service. We must ensure our veterans receive proper and fair assistance in a timely manner. If we do not keep faith with our veterans—we will jeopardize the defense of the country.

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

The SPEAKER pro tempore (Mrs. EMERSON). 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. 4850.

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 CLAIMS ASSISTANCE ACT OF 2000

Mr. STUMP. Madam Speaker, I move to suspend the rules and pass 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, as amended.

The Clerk read as follows:

H.R. 4864

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 Claims Assistance Act of 2000".

SEC. 2. CLARIFICATION OF DEFINITION OF "CLAIMANT" FOR PURPOSES OF VETERANS LAWS.

(a) *IN GENERAL.*—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."

(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 5101 the following new item:

"5100. Definition of 'claimant'."

SEC. 3. ASSISTANCE TO CLAIMANTS.

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

"§5102. Applications: forms furnished upon request; notice to claimants of incomplete applications"

"(a) FURNISHING FORMS.—Upon request made in person or in writing by any person claiming or applying for a benefit under the laws administered by the Secretary, the Secretary shall furnish such person, free of all expense, all such printed instructions and forms as may be necessary in establishing such claim.

"(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. The Secretary shall notify each claimant of any additional information and medical and lay evidence necessary to substantiate the claim. As

part of such notice, the Secretary shall indicate which portion of such evidence, if any, is to be provided by the claimant and which portion of such evidence, if any, the Secretary will attempt to obtain on behalf of the claimant.

“(c) **TIME LIMITATION.**—In the case of evidence that the claimant is notified is to be provided by the claimant, if such evidence is not received by the Secretary within one year from the date of such notification, no benefits may be paid or furnished by reason of such application.

“(d) **INAPPLICABILITY TO CERTAIN BENEFITS.**—This section shall not apply to any application or claim for Government life insurance benefits.

“§5103. Applications: Duty to assist claimants

“(a) **DUTY TO ASSIST.**—The Secretary shall make reasonable efforts to assist in obtaining evidence necessary to establish a claimant's eligibility for a benefit under a law administered by the Secretary. However, the Secretary may decide a claim without providing assistance under this subsection when no reasonable possibility exists that such assistance will aid in the establishment of eligibility for the benefit sought.

“(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 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 records sought, the Secretary shall inform the claimant that the Secretary is unable to obtain such records. Such a notice shall—

“(A) specifically identify the records the Secretary is unable to obtain;

“(B) briefly explain the efforts that the Secretary made to obtain those records;

“(C) describe any further actions to be taken by the Secretary with respect to the claim; and

“(D) request the claimant, if the claimant intends to attempt to obtain such records independently, to so notify the Secretary within a time period to be specified in the notice.

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

“(1) The claimant's existing service medical records and, if the claimant has furnished information sufficient to locate such records, other relevant service records.

“(2) Existing records of relevant medical treatment or examination of the veteran at Department health-care facilities or at the expense of the Department, if the claimant has furnished information sufficient to locate such records.

“(3) Information as described in section 5106 of this title.

“(d) **MEDICAL EXAMINATIONS FOR COMPENSATION CLAIMS.**—In the case of a claim by a veteran for disability compensation, the assistance provided by the Secretary under subsection (a) shall include providing a medical examination, or obtaining a medical opinion, when the evidence of record before the Secretary—

“(1) establishes that—

“(A) the claimant has—

“(i) a current disability;

“(ii) current symptoms of a disease that may not be characterized by symptoms for extended periods of time; or

“(iii) persistent or recurrent symptoms of disability following discharge or release from active military, naval, or air service; and

“(B) there was an event, injury, or disease (or combination of events, injuries, or diseases) during the claimant's active military, naval, or air service capable of causing or aggravating the claimant's current disability or symptoms, but

“(2) is insufficient to establish service-connection of the current disability or symptoms.

“(e) **REGULATIONS.**—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include provisions for—

“(1) specifying the evidence necessary under subsection (a) to establish a claimant's eligibility for a benefit under a law administered by the Secretary; and

“(2) determining under subsections (b) and (c) what records are relevant to a claim.

“(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.

“(g) **OTHER ASSISTANCE NOT PRECLUDED.**—Nothing in this section shall be construed as precluding the Secretary from providing such other assistance to a claimant as the Secretary considers appropriate.”

(b) **REENACTMENT OF RULE FOR CLAIMANT'S LACKING A MAILING ADDRESS.**—Chapter 51 of such title is amended by adding at the end the following new section:

“§5126. Benefits not to be denied based on lack of mailing address

“Benefits under laws administered by the Secretary may not be denied a claimant on the basis that the claimant does not have a mailing address.”

(c) **CLERICAL AMENDMENTS.**—The table of sections at the beginning of chapter 51 of such title is amended—

(1) by striking the items relating to sections 5102 and 5103 and inserting the following:

“5102. Applications: forms furnished upon request; notice to claimants of incomplete applications.

“5103. Applications: duty to assist claimants.”;

and

(2) by adding at the end the following new item:

“5126. Benefits not to be denied based on lack of mailing address.”

SEC. 4. BURDEN OF PROOF.

(a) **REPEAL OF “WELL-GROUNDED CLAIM” RULE.**—Section 5107 of title 38, United States Code, is amended to read as follows:

“§5107. Burden of proof; benefit of the doubt

“(a) **BURDEN OF PROOF.**—Except when otherwise provided by this title or by the Secretary in accordance with the provisions of this title, a claimant shall have the burden of proving entitlement to benefits.

“(b) **BENEFIT OF THE DOUBT.**—The Secretary shall consider all evidence and material of record in a case before the Department with respect to benefits under laws administered by the Secretary and shall give the claimant the benefit of the doubt when there is an approximate balance of positive and negative evidence regarding any issue material to the determination of the matter.”

SEC. 5. PROHIBITION OF CHARGES FOR RECORDS FURNISHED BY OTHER FEDERAL DEPARTMENTS AND AGENCIES.

Section 5106 of title 38, United States Code, is amended by adding at the end the following new sentence: “No charge may be imposed by the head of any such department or agency for providing such information.”

SEC. 6. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as specifically provided otherwise, the provisions of section 5107 of title 38, United States Code, as amended by section 4 of this Act, apply to any claim—

(1) filed on or after the date of the enactment of this Act; or

(2) filed before the date of the enactment of this Act and not final as of the date of the enactment of this Act.

(b) **RULE FOR CLAIMS THE DENIAL OF WHICH BECAME FINAL AFTER THE COURT OF APPEALS FOR VETERANS CLAIMS DECISION IN THE MORTON CASE.**—(1) In the case of any claim for benefits—

(A) the denial of which became final during the period beginning on July 14, 1999, and end-

ing on the date of the enactment of this Act; and

(B) which was denied or dismissed by the Secretary of Veterans Affairs or a court because the claim was not well grounded (as that term was used in section 5107(a) of title 38, United States Code, as in effect during that period),

the Secretary of Veterans Affairs shall, upon the request of the claimant, or on the Secretary's own motion, order the claim readjudicated under chapter 51 of such title, as amended by this Act, as if such denial or dismissal had not been made.

(2) A claim may not be readjudicated under this subsection unless the request is filed or the motion made not later than two years after the date of the enactment of this Act.

(3) In the absence of a timely request of a claimant, nothing in this Act shall be construed as establishing a duty on the part of the Secretary of Veterans Affairs to locate and readjudicate claims described in this subsection.

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. 4864, as amended.

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. Madam Speaker, H.R. 4864 is the Veterans Claims Assistance Act of 2000. The bill includes difficulties veterans have experienced with the claims processing since the Veterans Administration's implementation of a decision in the case of Morton v. West.

The bill requires the VA to assist veterans in obtaining records even though the veterans has not filed what has been called a well-grounded claim.

The Subcommittee on Benefits has worked closely with the veterans service organizations, with the VA, and with the Senate Committee on Veterans Affairs on this bill. I urge my colleagues to support passage of H.R. 4864, as amended.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, last fall I introduced H.R. 3193, the Duty to Assist Act. This measure provided a statutory requirement for the Department of Veterans Affairs to assist veterans filing a claim for benefits administered by the VA. This legislation became necessary as a result of the ruling of the U.S. Court of Appeals for veterans benefits in Morton v. West. Nearly 200 Members of the House have cosponsored this legislation.

Following a hearing on H.R. 3193 and subsequent meetings, including representatives of the VA and veterans

service organizations, H.R. 4864 was introduced. It incorporates the basic principles of H.R. 3193. This measure will eliminate the onerous well-grounded claim requirement that reinstates the VA's traditional duty to assist claimants, as did H.R. 3193.

This legislation is needed to correct erroneous interpretations of the law. Judicial review was intended to continue VA's strong continuing obligation to assist all veterans with the development of their claims, but the exact opposite has occurred.

I strongly believe in judicial review; however, courts can and do make erroneous decisions. When those decisions affect the fundamental rights of veterans, it is this Congress' responsibility to correct the problem. H.R. 4864 will do this.

Under this measure, the Secretary of Veterans Affairs is required to obtain all evidence in control of the VA and other departments and agencies necessary to establish eligibility for benefits before deciding the claim. Likewise, veterans will be responsible for providing such evidence in their control.

Veterans seeking to establish their entitlement to benefits they have earned as a result of their service to our country deserve to have their claims decided fairly and fully, based on all relevant and available evidence. Passage of H.R. 4864 will help to assure that their claims are properly considered and decided.

I want to thank the gentleman from Arizona (Mr. STUMP), chairman of the committee. He has done great work on all of these bills today. I want to thank the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits; the gentleman from California (Mr. FILNER), the ranking Democrat on the Subcommittee, for their important work in this measure.

We have moved it timely, Mr. Chairman, because of your leadership; and I look forward to working with the gentleman on this issue. Madam Speaker, I urge my colleagues to support the Veterans Claims Assistance Act of 2000, H.R. 4864.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Benefits.

Mr. QUINN. Madam Speaker, the members of the Subcommittee on Benefits have worked for the past 6 months or so to craft this legislation that we are considering this morning, which I am pleased to say has the bipartisan support of over 100 of our colleagues here in the House.

Madam Speaker, H.R. 4864, as amended, is in direct response to a 1999 decision by the Court of Appeals for veterans claims, the Morton v. West decision, which puts limitations on the VA's duty to assist veterans with the development of their claims.

The bill clarifies the claimants' and the VA's duties with respect to obtaining evidence in support of claims for veterans benefits. The bill also requires that the Secretary make reasonable effort to obtain relevant records that the claimant identifies and authorizes the Secretary to obtain, and it eliminates the requirement that a claimant submit a "well-grounded" claim before the Secretary can assist in obtaining evidence.

The Subcommittee on Benefits had a hearing on the issue this past March 23; and since that time, we have been working and meeting with members, not only the veterans service organizations but also the VA and its officials to develop the bill that addresses the concerns of all interested parties without requiring the Veterans Benefits Administration to do unnecessary work. It is our intention that H.R. 4864, as amended, this morning will give direction to both the VA and the claimant himself or herself.

Madam Speaker, I would like to thank the gentleman from Arizona (Mr. STUMP), and the gentleman from Illinois (Mr. EVANS), the ranking member, for their leadership on this issue as we crafted this bill. Both of these individuals have served together on the VA committee now for some 19 years. Thanks also goes to the VSOs that engaged in oftentimes a spirited dialogue to ensure that this bill does right by veterans and all of their survivors.

Madam Speaker, I would also like to take this opportunity to thank the gentleman from California (Mr. FILNER), the ranking member, and my partner on the Subcommittee on Benefits, the gentleman from Texas (Mr. REYES), who had input from beginning to end on this matter.

Madam Speaker, I urge our colleagues to support H.R. 4864, as amended, this morning.

Madam Speaker, I inform the Chair that we expect to ask for a recorded vote when the time is appropriate.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Madam Speaker, H.R. 4864 will eliminate a significant obstacle that has been imposed upon veterans who file a claim for benefits administered by the Secretary of the Department of Veterans Affairs.

Claimants for these benefits are now facing obstacles which are created by the decision of the U.S. Court of Appeals for veterans claims in the so-called Morton v. West decision last July. That decision meant that benefits claims that were filed by disabled veterans have been rejected prior to their proper development and consideration. This is simply unacceptable.

Madam Speaker, lead by the gentleman from New York (Mr. QUINN), our chairman of the Subcommittee on Benefits, we as a committee, along with the gentleman from Texas (Mr. REYES) as a member, undertook hearings, undertook discussions with the

VA and the VSOs. And in that process, within a year of that decision, we now have a bill before us; and I thank the majority Chairs for getting this through in this timely fashion.

This legislation clearly and unequivocally removes the well-grounded claim requirement which has proven to be a significant barrier facing veterans seeking the fair and prompt adjudication of their claims. This bill includes many of the concepts contained in an earlier bill, H.R. 3193, which is sponsored and introduced by the gentleman from Illinois (Mr. EVANS), our ranking member. It takes into consideration also recommendations from the Department of Veterans Affairs, as well as the veterans service organizations, who I know the gentleman from New York (Mr. QUINN), and I commend very deeply for their advocacy to assure that veterans seeking benefits have their claims fairly and accurately adjudicated.

H.R. 4864 is certainly one of the most important veterans measures to be considered by this Congress. I urge a unanimous vote by my colleagues.

Mr. QUINN. Madam Speaker, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from New York.

Mr. QUINN. Madam Speaker, I want to take this opportunity to thank the gentleman from California (Mr. FILNER) to make certain our colleagues understand that this is an effort by the Veterans Subcommittee on Benefits to make the VA more user friendly, more constituent friendly. When we have said so many times on the subcommittee, when there is an area that is not certain, the benefit of the doubt should always go to the veteran when we are able to do that.

Madam Speaker, I want to publicly thank the gentleman for his effort in this regard. It has really made the hearings, I think, more beneficial to everybody.

Mr. FILNER. Madam Speaker, reclaiming my time, I thank the gentleman from New York (Mr. QUINN) for his leadership. We have had those hearings; they have not only been educational but fruitful. Ideas are put on the table; people have commented on them. We have taken those ideas and incorporated them in the process. And the gentleman's responsiveness to those concerns has been a model to the way I think we ought to be conducting ourselves in this Congress.

Mr. STUMP. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), the vice chairman of our committee.

Mr. SMITH of New Jersey. Madam Speaker, I want to thank the gentleman from Arizona (Mr. STUMP), my good friend, for yielding the time to me.

Madam Speaker, the House has before it today a piece of legislation that will go a long way towards helping veterans and their families file claims for VA benefits. I think the gentleman

from New York (Mr. QUINN) rightly summarized it. The idea behind this bill is to make the VA more veterans user-friendly, so that the benefits that we owe to those who serve this country can be accorded to them.

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very happy and I want to thank the gentleman from Arizona (Mr. STUMP), the gentleman from New York (Mr. QUINN), my good friend the gentleman from Illinois (Mr. EVANS) and the gentleman from California (Mr. FILNER) for their good work in crafting this legislation.

Madam Speaker, as things now stand, it is up to veterans to prove that they are entitled to receive a particular benefit. This is how the Veterans Court of Appeals interpreted, last October, the requirement that a veteran's claim be well grounded before the VA consider it. Once determined to be well grounded, the VA must help obtain evidence related to the claim's actual merits.

The preliminary process approving eligibility for a claim can be an onerous one for veterans, as well as for their families. Take, for example, the claims for service-connected disabilities. Veterans must, one, present evidence that they sustained a disease or injury during military service. We all know from our case work how often the St. Louis fire comes up. Two, a diagnosis of a current disability; and three, a medical opinion stating that the in-service injury or disease caused the current disability.

The reality is that many veterans are unable to secure the medical records and other documents that they need because of poor health, difficult economic circumstances or an unfamiliarity with how to navigate a very complex Federal bureaucracy system, and thus have their legitimate claims dismissed outright as not well grounded. Or, they just get deterred in the process.

We all know again through our case work how often a veteran will come to one of our offices or a town meeting or one-to-one meeting and say, "I am just exhausted, will you please help me?"

Under H.R. 4864, the VA would have to help the veterans obtain service records and a medical examination if the former serviceman or woman has symptoms of a current disability or evidence of an injury or disease sustained during medical service. The Veterans Claims Assistance Act of 2000 would also require other Federal agencies to furnish service records to the VA at no cost to the claimant.

Today's bill reassures veterans and their families that the country they served in uniform is on their side when it comes to getting assistance that they have more than earned. I urge support for this legislation.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise today in strong support of H.R. 4864, the Veterans Claims Assistance Act. I also want to thank our chairman, the gentleman from Arizona (Mr. STUMP); the ranking member, the gentleman from Illinois (Mr. EVANS); the subcommittee chair, the gentleman from New York (Mr. QUINN); and subcommittee ranking member, the gentleman from New York (Mr. FILNER) for their leadership on this very important issue for our veterans.

This bill is important because it makes sure that assistance is given to our veterans when establishing a claim for benefits. The bill requires the VA to assist a veteran in obtaining evidence to establish a claim by requiring the Veterans Administration to make reasonable efforts to obtain relevant records and materials.

This is an important legislative correction as it eliminates the unfair requirement that a veteran must first submit a well-grounded claim before the VA will assist him.

We have an obligation to make sure that our veterans are given a hand in receiving the benefits that they have worked for, that they have in some cases bled for, and have certainly earned in the defense of our country. We should never require our veterans to first overcome bureaucratic obstacles before they are given the help that they earned and that they deserve.

The Department of Veterans Affairs was established to assist our veterans, and this legislation reinforces their obligation to serve our veterans and to help them receive any benefits to which they are entitled. I am therefore extremely pleased with this bill's requirement that the VA assist our veterans in obtaining medical and treatment records and information from other Federal agencies and to provide a medical examination to establish whether or not they have a service-connected claim.

This is good, pro-veterans legislation, and I therefore ask the entire House to join in full support.

This morning, Madam Speaker, I also urge the House to fully support eliminating the offset of military retired pay against veterans compensation, which is included in the Senate defense authorization bill and which is contained in H.R. 303. Many of us have already made this request in a letter, and today I ask the House to vote to eliminate this very unfair and costly penalty to our veterans.

I again want to thank the ranking members and the chairmen of our committee for their leadership.

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

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

Madam Speaker, once again I would like to express my appreciation to the gentleman from Illinois (Mr. EVANS), the ranking member; as well as the gentleman from New York (Mr. QUINN),

the chairman of our subcommittee; the gentleman from California (Mr. FILNER), the ranking member on the subcommittee; as well as the gentleman from Michigan (Mr. STUPAK) for bringing this forward.

Mrs. MORELLA. Madam Speaker, I rise in support of the Veterans Claims Assistance Act of 2000 which enables veterans to receive proper assistance from the Veterans' Administration in obtaining evidence to establish entitlement to a benefit.

Currently, the Veterans Administration simply denies a veteran's claim for service-connected compensation benefits as "not well grounded" if the veteran does not provide medical and military information which shows a current disability is related to medical service. While I agree that the VA should not work on claims that do not merit attention, veterans are caught in a Catch-22 when the VA requires the veteran to provide the required information in 30 days and it routinely takes 6 months or longer to obtain records from the National Personnel Records Center (NPRC) or other military information repositories. Even after receiving those records, the VA must make a new determination of the case's status as well-grounded.

My hard working district office handles on average 3,600 constituents a year; many of these cases involve veterans who request my assistance in facilitating their retrieval of medical documents and their receipt of deserved disability compensation. The "well grounded" provision has severely hindered the American veterans' legal right to assistance from the government in gathering necessary medical evidence.

The Veterans Claims Assistance Act would help our nation's veterans by strengthening the VA's duty to assist by eliminating the requirement that a claimant submit a "well-grounded" claim. America is eternally grateful for the selfless service of our veterans. They must be reassured that their country stands steadfast in support.

Mr. FOLEY. Madam Speaker, on July 21, 2000, the Senate Veterans' Affairs Committee found that Florida has the largest backlog of veterans' benefits claims in the country. In fact, Florida has over 20,000 such claims pending, more than any other state. Florida veterans wait an average 213 days to have their claims processed whereas the VA target is 74 days.

While this might have been news to the committee, it wasn't news to me. Every time I visit my district in Florida, I hear from veterans who have been waiting sometimes months to even get a call returned from the VA.

We have a serious problem in this country when our Nation's veterans, who have sacrificed so much for this country, must wait months to even get a telephone call returned.

The Veterans' Claims Assistance Act would take a step toward alleviating this problem by directing the VA to assist claimants in obtaining the necessary documentation to establish their entitlement to benefits. This, in turn, should speed the process and allow our veterans to receive the benefits that are rightfully theirs.

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

The SPEAKER pro tempore (Mrs. EMERSON). 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. 4864, as amended.

The question was taken.

Mr. STUMP. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DONALD J. MITCHELL DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. STUMP. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1982) to name the Department of Veterans Affairs outpatient clinic located at 125 Brookley Drive, Rome, New York, as the "Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic," as amended.

The Clerk read as follows:

H.R. 1982

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

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, ROME, NEW YORK.

The Department of Veterans Affairs outpatient clinic in Rome, New York, shall after the date of the enactment of this Act be known and designated as the "Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic". Any reference to such outpatient clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic.

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).

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

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. 1982.

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.

Madam Speaker, H.R. 1982 names the Department of Veterans Affairs medical facility in Rome, New York, after Donald J. Mitchell. Mr. Mitchell, a five-term Member of the House, is being honored because of his service as a naval aviator in two wars. A citizen soldier, Mr. Mitchell served his state and Nation, and we honor him with this designation.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, the measure now before this House names the outpatient clinic in Rome, New York, after Donald J. Mitchell, a former Member of this House. This is a well-deserved tribute for a truly outstanding American.

A naval aviator during World War II and a veteran of the Korean War, Don Mitchell served the House of Representatives from 1973 to 1983 as a Representative from the City of New York. Prior to being elected to Congress, he served his fellow citizens as a town councilman, a mayor, and as a member of the state assembly as well.

This measure honoring former Congressman Mitchell is strongly supported by the members of the New York Congressional delegation. It likewise deserves the support of each Member of this body.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT). I want to thank the gentleman for bringing this matter before us.

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

Mr. BOEHLERT. Madam Speaker, today we are saluting a genuine American hero, Don Mitchell. Let me tell you a little bit about the man.

Don Mitchell served with great distinction in the United States Navy from 1942 to 1946 as an aviator, then returned home, only to return to the military in the Korean conflict, where he served as a flight instructor. After that service, he returned back home to his beloved Herkimer, New York.

His talents were recognized. His talent for leadership, his vision, were recognized by the people of Herkimer. First they elected him a town councilman. Then they elected him mayor. But his talents were such and so obvious that he was obviously destined for higher office, and higher office came. He was elected to the New York State Assembly, where he served with great distinction for 8 years, and, once again, as they say, cream rises to the top, and before long, Don Mitchell was Majority Whip of the New York State Assembly, a leadership position.

So here is a distinguished American who had served in World War II, served in Korea, served as a town councilman, then a mayor, then in the State Assembly, and was beginning to think perhaps he had done his share.

But the people of Central New York would not have it, because they insisted that his talents go far beyond the community and the State, and he was elected to the United States Congress, where he served with great distinction for 10 years. During those 10 years he served on the House Committee on Armed Services, and defense was very much in his mind and heart.

He provided leadership in that area. I recall particularly his call for an adequate civil defense program for America and the necessity of having an emergency preparedness scheme to protect our Nation and her people.

But Don Mitchell's finest hour perhaps occurred when the Department of the Air Force floated an ill-conceived idea that perhaps the Rome Air Development Center at the Griffiss Air Force Base in Rome, New York, one of the Nation's premier research and development facilities, dealing with command, control, communications and computer technology, and having a very sensitive role to play in intelligence technology, the Air Force thought that maybe Rome Air Development Center should be "disestablished," to use their word, and the assets scattered at other installations around the country.

Don Mitchell would not hear of it, and he led the fight, he was the quarterback of the team, and one year after that announcement was made of the Air Force's intention, Don Mitchell single-handedly convinced the officials in the Pentagon and the Department of the Air Force this should not occur, and it did not. And today, in the year 2000, that fine research and development facility still stands, and it is a tribute to Don Mitchell.

But in the intervening years, the BRAC commission closed the former Griffiss Air Force Base, but they set off in a controlment area that one magnificent R&D facility, and it is still serving our Nation well and proudly.

Don Mitchell has done so much for so many over the years, but let me tell you a little bit about the facility. When the Air Force was going to close the base and the hospital, a lot of people said that should not happen, because we still have a large veterans population, we still have a lot of military retirees and their dependents who need medical service, and we still had, at the Rome Air Development Center, a research laboratory where there were military families and their dependents.

Where were they to be served? I was able to convince the Department of Air Force, working in conjunction with the Veterans' Administration, to transfer that facility that was destined to be closed to the Veterans' Administration, who are operating it today as a full-service Veterans' Administration outpatient clinic, serving an average of 135 patients with quality medical care that they desire, but, more importantly, that they deserve, every single day.

That is a little bit about the facility; that is a lot of bit about the man.

So I want to commend the gentleman from Arizona (Chairman STUMP) for recognizing the importance of honoring a very distinguished American, and I would like to thank all of my colleagues in the House, Republicans and Democrats alike. Every single member of the New York Congressional delegation has cosponsored my bill to honor Mr. Mitchell.