

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.

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

(b) REENACTMENT OF RULE FOR CLAIMANT'S LACKING A MAILING ADDRESS.—Chapter 51 of such title is further 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.”.

SEC. 4. DECISION ON CLAIM.

Section 5107 of title 38, United States Code, is amended to read as follows:

“§5107. Claimant responsibility; benefit of the doubt

“(a) CLAIMANT RESPONSIBILITY.—Except as otherwise provided by law, a claimant has the responsibility to present and support a claim for benefits under laws administered by the Secretary.

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

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: “The cost of providing information to the Secretary under this section shall be borne by the department or agency providing the information.”.

SEC. 6. CLERICAL AMENDMENTS.

The table of sections at the beginning of chapter 51 of title 38, United States Code, is amended—

(1) by inserting before the item relating to section 5101 the following new item:

“5100. Definition of ‘claimant’.”;

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

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

“5103. Notice to claimants of required information and evidence.

“5103A. Duty to assist claimants.”;

(3) by striking the item relating to section 5107 and inserting the following:

“5107. Claimant responsibility; benefit of the doubt.”;

and

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

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

SEC. 7. 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 that date.

(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 a claim for benefits denied or dismissed as described in paragraph (2), 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 the denial or dismissal had not been made.

(2) A denial or dismissal described in this paragraph is a denial or dismissal of a claim for a benefit under the laws administered by the Secretary of Veterans Affairs that—

(A) became final during the period beginning on July 14, 1999, and ending on the date of the enactment of this Act; and

(B) was issued 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).

(3) A claim may not be readjudicated under this subsection unless a request for readjudication is filed by the claimant, or a motion is made by the Secretary, not later than two years after the date of the enactment of this Act.

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

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 addresses the Morton versus West court decision and corrects difficulties veterans have experienced with VA's claims processing. This bill clarifies VA's duty to assist veterans with their claims.

Over the last few months, the Committee on Veterans' Affairs has worked closely with the Veterans Administration, the Senate Committee on Veterans' Affairs, and the veterans service organizations on this bill.

Passage of this bill today will restore the balance in the VA claims system. Although this legislation will require some claims to be redone, it is the right thing to do.

I urge my colleagues to support H.R. 4864.

Madam Speaker, I include an explanatory statement on H.R. 4864, as amended, as follows:

EXPLANATORY STATEMENT ON H.R. 4864, AS AMENDED

H.R. 4864, as amended, reflects a compromise agreement that the House and Senate Committees on Veterans Affairs have reached on H.R. 4864 and section 101 of S. 1810. H.R. 4864, the Veterans Claims Assist-

ance Act of 2000, passed the House on July 25, 2000 (hereinafter referred to in context as the “House Bill”). On September 21, 2000, the Senate passed S. 1810, the Veterans Programs Enhancement Act of 2000 (hereinafter referred to in context as the “Senate Bill”).

The House and Senate Committees on Veterans Affairs have prepared the following explanation of H.R. 4864, as amended (hereinafter referred to as the “Compromise Agreement”). Differences between the provisions contained in the Compromise Agreement and the related provisions of H.R. 4864 and section 101 of S. 1810 are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement and minor drafting, technical and clarifying changes.

BACKGROUND

The Department of Veterans Affairs' (VA) system for deciding benefits claims “is unlike any other adjudicative process. It is specifically designed to be claimant friendly. It is non-adversarial; therefore, the VA must provide a substantial amount of assistance to a veteran seeking benefits.” H. Rept. No. 105-52, at 2 (1997). Chapter 51 of title 38, United States Code, provides the general administrative provisions relating to processing of claims for veterans benefits. In particular, section 5107 of title 38, United States Code, states that it is a veteran's responsibility to submit evidence of a “well-grounded” claim, and the Secretary shall assist a veteran in developing the facts pertinent to the claim. Such assistance historically has included requesting service records, medical records and other documents identified by the veterans.

On July 14, 1999, the U.S. Court of Appeals for Veterans Claims ruled in *Morton v. West*, 12 Vet. App. 477, remanded on other grounds

F.3d , 2000 U.S. App. LEXIS 22464 (Fed. Cir., August 17, 2000), that VA has no authority to develop claims that are not “well-grounded,” and invalidated VA manual provisions which directed regional offices to undertake full development of all claims. This and previous court decisions construing the meaning of section 5107 of title 38, United States Code, have constructed a significant barrier to veterans who need assistance in obtaining information and evidence in order to receive benefits from the VA.

DEFINITION OF “CLAIMANT” FOR PURPOSES OF VETERANS CLAIMS

Current Law

Chapter 51 of title 38, United States Code, refers to an applicant for veterans benefits as a “claimant,” but does not provide a definition of the term.

House Bill

Section 2 of H.R. 4864 would amend chapter 51 of title 38, United States Code, by adding a new section at the beginning of the chapter. The new section would define the term “claimant” to mean “any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary.”

Senate Bill

Section 101(a) of S. 1810 would add a new section 5101 to title 38, United States Code, to define the term “claimant” as “any individual who submits a claim for benefits under the laws administered by the Secretary.”

Compromise Agreement

Section 2 of the compromise agreement follows the House language.

ASSISTANCE TO CLAIMANTS

APPLICATION FORMS; NOTICES TO CLAIMANTS OF INCOMPLETE APPLICATIONS

Current law

Section 5102 of title 38, United States Code, provides that the Secretary shall furnish,

upon request made in person or in writing by any person claiming or applying for benefits, all printed instructions and forms necessary to establish a claim for veterans benefits at no cost to the claimant.

Section 5103 of title 38, United States Code, provides that if a claimant's application for benefits is incomplete, the Secretary shall notify the claimant of the evidence necessary to complete the application. It further provides that in the event that the additional evidence is not received within one year from the date of notification, no benefits may be paid by reason of the incomplete application. Section 5103 does not apply to any application or claim for Government life insurance benefits. Section 5103 also provides that benefits may be not be denied on the basis that the claimant does not have a mailing address.

The Secretary of Veterans Affairs' duty to assist claimants is codified at section 5107(a) of title 38, United States Code. The courts have held that the Secretary's duty to assist claimants does not arise until a claimant has first submitted a "well-grounded" claim.

House Bill

Section 3 of H.R. 4864 substantially revises current sections 5102, 5103, and 5107 of title 38, United States Code. The "duty to assist" provision would be transferred from section 5107 of title 38 to section 5103. As revised, section 5102 would contain almost all of existing sections 5102 and 5103. Subsection (a) of the proposed section 5102 is identical to existing section 5102. Subsections (c) and (d) of proposed section 5102 are identical to subsections (a) and (b) of existing subsection 5103. Proposed section 5102(b) contains the provisions of subsection (a) of existing section 5103. Proposed subsection 5102(b) clarifies the Secretary's obligation to send notices to the claimant and the claimant's representative, and to advise the claimant and the claimant's representative as to information the claimant must submit to complete the application. It also would require the Secretary to notify the claimant (and the claimant's representative) of any additional information and medical and lay evidence necessary to substantiate the claim, and which portion of such evidence is to be provided by the claimant and which portion, if any, the Secretary will attempt to obtain.

Senate Bill

Section 101(b) of S. 1810 would amend existing section 5103(a) by striking "evidence" both places it appears and inserting "information," in order to clarify that claimants will not be obligated to present any evidence upon initial application for benefits.

Subsection (c) of proposed section 5103A (as added by section 101(c)) would require VA to notify the claimant and the claimant's representative of the information and medical or lay evidence needed in order to aid in the establishment of eligibility for benefits, and inform the claimant and his or her representative what information under subsection (c)(1) the Secretary was unable to obtain.

Compromise Agreement

Proposed section 5102(a) would require the Secretary to furnish all instructions and forms necessary when a request is made, or an intent is expressed, by any person applying for veterans benefits. It is the Committees' intent that such a request might be made by using various modes of communication—electronic, telephonic, written, or personal.

The removal of the "in person or in writing" requirement from current section 5102 of title 38, United States Code, is not intended to change current VA regulations with respect to the definition of a claim or

the requirements concerning what communication is sufficient to treat the communication as an informal claim. By removing the restriction on requests "in person or in writing," the Committees intend to permit veterans and VA to use current and future modes of communication. The Committees expect VA to appropriately document its communications with veterans regardless of the form of communication used.

The compromise version of revised section 5103 of title 38, United States Code, substantially maintains the current provisions of section 5103. However, it renames the title of the section as "Notice to claimants of required information and evidence" to more accurately reflect the section's purpose. The compromise agreement enhances the notice that the Secretary is now required to provide to a claimant and the claimant's representative regarding information that is necessary to complete the application. The notice would inform the claimant what information (e.g., Social Security number, address, etc.), and what medical evidence, (e.g., medical diagnoses and opinions on causes or onset of the condition, etc.) and lay evidence (e.g., statements by the veteran, witnesses, family members, etc.) is necessary to substantiate the claim. The notice would also specify which portion of this information and evidence is to be provided by the Secretary or by the claimant.

The compromise agreement also maintains the language in current section 5103 relating to time limits, but expands that language to include "information or evidence." It is not the Committees' purpose to modify the historical application of this provision, nor do the Committees intend that this section be interpreted as a hypertechnical bar to benefits. For example, if the Secretary notices a claimant to submit three pieces of information or evidence, and the claimant submits only two of the specified items, which are sufficient evidence for VA to grant the claim, then VA must act at that point. The failure to submit the additional information would not be grounds for barring payment of benefits of an otherwise established claim.

The Committees have agreed to use the phrase "information . . . and evidence . . ." that is necessary to substantiate the claim" [emphasis added] in appropriate places in revised sections 5103 and 5103A. This wording is used in lieu of phrases such as "establishment of the eligibility of the claimant" (S. 1810) or "establishment of eligibility for the benefits sought" (H.R. 4864). Although all three phrases convey a similar if not identical purpose, the Committees believe that they have chosen a less ambiguous and more objective test for the types of evidence that could be useful to the Secretary in deciding the claim. If information or evidence has some probative value, there must be an effort made to obtain it or to explain to the claimant how he or she might obtain it.

It is the Committees' intent that the verb "to substantiate," as used in this subsection and throughout the compromise bill (cf., proposed 5103A(a), 5103A(2), 5103A(g)) be construed to mean "tending to prove" or "to support." Information or evidence necessary to substantiate a claim need not necessarily prove a claim—although it eventually may do so when a decision on a claim is made—but it needs to support a claim or give form and substance to a claim.

SECRETARY'S DUTY TO ASSIST CLAIMANTS: GENERAL DUTY TO ASSIST

House Bill

Proposed subsection (a) of new section 5103 is a revision of language currently found in section 5107(a), which requires the Secretary to assist claimants who have filed a "well-grounded" claim. As revised, the Secretary

would be obligated to assist a claimant in obtaining evidence that is necessary to establish eligibility for the benefit sought. The well-grounded claim requirement would be eliminated. However, the Secretary would be able to decide a claim without providing assistance under this subsection when no reasonable possibility exists that such assistance would aid in the establishment of eligibility for the benefit sought.

Senate Bill

Subsection (a) of proposed section 5103A would require the Secretary to make reasonable efforts to assist in the development of information and medical and lay evidence necessary to establish the eligibility of a claimant for benefits. It eliminates the well-grounded claim requirement.

Subsection (b) provides that the Secretary is not required to provide assistance to a claimant under subsection (a) if no reasonable possibility exists that such assistance would aid in the establishment of the eligibility of the claimant for benefits.

Compromise Agreement

Section 3 of the compromise agreement would require the Secretary to make reasonable efforts to assist a claimant in obtaining evidence necessary to substantiate the claimant's claim for the benefit sought. The exact type of assistance, such as obtaining documentary evidence or medical examinations or opinions, is not specified in this section since the type of assistance needed for each claim will vary depending upon the benefit sought. This lack of specificity is not intended to limit the type of assistance required or rendered. However, the Secretary is not required to assist a claimant if no reasonable possibility exists that such assistance would aid in substantiating the claim. Under this section, the Secretary may defer providing assistance pending the submission by the claimant of essential information missing from the claimant's application.

ASSISTANCE IN OBTAINING RECORDS

House Bill

Proposed subsection (b) of the new section 5103 clarifies the Secretary's obligation to assist a claimant in obtaining evidence that is relevant to a particular claim. Under the House bill, the Secretary would be required to make reasonable efforts to obtain relevant records that the claimant adequately identifies and authorizes the Secretary to obtain. Subsection (b) would also require that the Secretary provide notice to the claimant if the effort to obtain records is unsuccessful and briefly explain the Secretary's efforts to obtain such records, describe any further actions to be taken by the Secretary, and allow the claimant a reasonable opportunity to obtain the records before the claim is decided and notify the Secretary of such actions.

Senate Bill

The Senate bill does not specifically provide for general assistance to secure records, but considers that obligation as part of VA's duty to assist claimants in the development of information and evidence necessary to establish entitlement to benefits.

Compromise Agreement

Under section 3, the Secretary would be required to make reasonable efforts to obtain relevant records, including private records, that the claimant adequately identifies and authorizes the Secretary to obtain. In an effort to keep the claimant informed about the status of the development of his or her claim, the Secretary would be required to notify the claimant when the Department is unable to obtain records. The notice would identify the records the Secretary is unable to obtain, provide a brief explanation of the

efforts that the Secretary has made to obtain those records, and describe any further action to be taken by the Secretary with respect to the claim. The Secretary would be required to continue attempts to obtain the records from a Federal department or agency until it is reasonably certain that the records do not exist or that further efforts to obtain them would be futile.

OBTAINING RECORDS FOR COMPENSATION CLAIMS
House Bill

Proposed subsection (c) of section 5103 would provide for special rules for obtaining evidence in disability compensation claims. For this type of claim, the Secretary would always be obligated to obtain (1) existing service medical records, and other relevant service records if the claimant has provided sufficient locator information, (2) records of treatment or examination at Department health care facilities, if the claimant has provided information sufficient to locate such records, and (3) records in the possession of other Federal agencies if such records are relevant to the veteran's claim.

Senate Bill

Subsection (d) of the proposed 5103A would specify the assistance to be provided by the Secretary to a claimant applying for disability compensation. The Secretary would be obligated to obtain (1) relevant service and medical records maintained by applicable governmental entities that pertain to the veteran for the period or periods of the veteran's service in the active military, naval, or air service, (2) existing records of relevant medical treatment or examinations provided at Department health care facilities or at the expense of the Department but only if the claimant has furnished information sufficient to locate such records, (3) relevant records from adequately identified governmental entities authorized by the claimant to be released, and (4) relevant records from adequately identified private person or entities authorized by the claimant to be released. Efforts to obtain governmental records would be required to continue until it is reasonably certain, as determined in accordance with the regulations prescribed under subsection (f) that such records do not exist.

Compromise Agreement

Recognizing that VA has a higher burden in securing records maintained by VA and other governmental agencies, section 3 of the compromise agreement requires the Secretary to obtain the claimant's service medical records and other relevant records pertaining to the claimant's active military, naval, or air service that are maintained by a governmental entity if the claimant provides sufficient information to locate them. By use of the term "governmental entity," it is the Committees' intention that VA also secure relevant records maintained by state national guard and reserve units, as they may provide important information relating to the veteran's service history.

MEDICAL EXAMINATIONS FOR COMPENSATION CLAIMS

House Bill

In the case of a claim for disability compensation, subsection (d) of proposed section 5103 would require the Secretary to provide a medical examination or obtain a medical opinion when the Secretary has established that (1) the claimant has (a) a current disability, (b) current symptoms of a disease that may not be characterized by symptoms for extended periods of time, or (c) persistent or recurrent symptoms of disability following discharge from service, and (2) there was an in-service event, injury, or disease (or combination of events, injuries, or diseases)

during the claimant's active military, naval, or air service which could have caused or aggravated the current disability or symptoms, but (3) the evidence "on hand" is insufficient to establish service connection.

SENATE BILL

Proposed section 5103A(d) would require VA to provide a medical examination needed for the purpose of determining the existence of a current disability if the claimant submits verifiable evidence, as determined in accordance with the regulations prescribed under subsection (f), establishing that the claimant is unable to afford medical treatment. Proposed subsection (e) provides that, while obtaining or after obtaining information or lay or medical evidence under subsection (d) of proposed 5103A, the Secretary determines that a medical examination or a medical opinion is necessary to substantiate entitlement to a benefit, the Secretary would then provide such medical examination or obtain such medical opinion.

Compromise Agreement

Under section 3 of the compromise agreement, proposed section 5103A(d) provides that in the case of a claim for disability compensation, the Secretary shall provide a medical examination or obtain a medical opinion when such an examination or opinion is necessary to make a decision on the claim. Taking into consideration all information and lay or medical evidence (including statements of the claimant), an examination would be necessary if the evidence of record (a) contains competent evidence that the claimant has a current disability, or persistent or recurrent symptoms of a 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. It is the Committees' intent that the term "disability" cover both injuries and diseases, including symptoms of undiagnosed illnesses.

In the revised section 5103A, the Committees have agreed to use the phrase "if the evidence of record . . . taking into consideration all information and lay or medical evidence (including statements of the claimant) . . . contains competent evidence . . . that the claimant has a current disability, or persistent or recurrent symptoms of disability" [emphasis added] as the threshold for when VA must obtain a medical examination or opinion for compensation claimants. This wording is used to describe evidence that is "fit for the purpose for which it is offered." *U.S. v. DeLucia*, 256 F.2d 487, 491 (7th Cir. 1958). Competent evidence would be evidence that is offered by someone capable of attesting to it; it need not be evidence that is credible or sufficient to establish the claim. A veteran (or layperson) can provide competent evidence that he or she has a pain in the knee since that evidence is fit for the purpose for which it is offered. However, VA would not be bound to accept a veteran's assertion that he has a torn ligament, for that would require more sophisticated information, such as the results of a medical examination or special medical testing. The Committees emphasize that medical examinations or medical opinions may be needed in order for the Secretary to fulfill the duty to assist in other situations not mandated by this section under the general duty to assist required in section 3.

REGULATIONS

House Bill

Proposed subsection 5103(e) would require the Secretary to prescribe regulations (1) specifying the evidence needed to establish a claimant's eligibility for a benefit and (2) de-

fining the records that are relevant to a claim.

Senate Bill

Proposed subsection 5103A(f) of S. 1810 would require the Secretary to prescribe regulations for purposes of the administration of new section 5103A.

Compromise Agreement

Section 3 of the compromise agreement would require the Secretary to prescribe regulations in order to carry out this section. It is the Committees' intent that these regulations address the provisions of the language described above under "House Bill."

RULE WITH RESPECT TO DISALLOWED CLAIMS

House Bill

Proposed subsection (f) of section 5103 would specify that nothing in section 5103 would be construed to require the Secretary to reopen a claim that had been disallowed except when new and material evidence is presented or secured, as described in section 5108 of title 38, United States Code.

Senate Bill

S. 1810 does not contain a similar provision.

Compromise Agreement

Section 3 of the compromise agreement follows the House language.

OTHER ASSISTANCE NOT PRECLUDED

House Bill

Proposed subsection (g) of section 5103 would clarify that nothing in section 5103 would be construed as precluding the Secretary from providing such other assistance to a claimant as the Secretary considers appropriate.

Senate Bill

Proposed subsection 5103A(d)(1)(F) would provide that the Secretary would provide any other appropriate assistance not specifically listed in section 5103(d).

Compromise Agreement

Section 3 of the compromise agreement follows the House language.

REENACTMENT OF RULE FOR CLAIMANTS LACKING A MAILING ADDRESS

House Bill

Proposed section 3(b) of H.R. 4864 would reword the language found at section 5103(c) as a new section 5126 of title 38, United States Code.

Senate Bill

S. 1810 does not contain a similar provision.

Compromise Agreement

Section 3 of the compromise agreement follows the House language.

DECISION ON CLAIM

Current Law

Under section 5107(a) of title 38, United States Code, a person who submits a claim for benefits has the burden of submitting evidence sufficient to justify a belief by a fair and impartial individual that the claim is "well-grounded." In order to file a "well-grounded" disability compensation claim, the court has ruled that the claimant must present evidence of 1) a current disability, 2) an in-service incidence or aggravation of a disease or injury, and 3) a nexus between the in-service disease or injury and the current disability. *Caluza v. Brown*, 7 Vet. App. 498 (1995) aff'd 78 F.3d 604 (Fed. Cir. 1996 table). Once that burden had been met, the Secretary must assist the claimant in developing the facts pertinent to the claim.

Under section 5107(b) of title 38, United States Code, the Secretary is required to give claimant the benefit of the doubt in resolving each material issue where there is an

approximate balance of positive and negative evidence regarding the merits of the issue. Subsection (b) also provides that nothing in that subsection shall be construed as shifting the burden of establishing a well-grounded claim from the claimant to the Secretary.

House Bill

Section 4 of the House bill would revise section 5107 of title 38, United States Code, to eliminate the requirement that a veteran submit a "well-grounded" claim. The proposed revision of section 5103 discussed above sets out the authority for the Secretary to provide assistance to a claimant. Thus, the extent to which the Secretary conducted a separate threshold examination of the evidence provided in support of a claim are addressed in that section. The revised section 5107 would restate, without any substantive change, the requirements in existing law that the claimant has the burden of proving entitlement to benefits and that the Secretary must provide the benefit of the doubt to the claimant when there is an approximate balance of positive and negative evidence regarding a material issue.

Senate Bill

Section 101(e) of S. 1810 would amend section 5107 of title 38, United States Code, to eliminate the requirement that claimants submit evidence sufficient to justify the belief that the claim is "well-grounded" before VA will execute its duty to assist. Section 5107(a), as amended, would specify that the burden of proof to establish entitlement to VA benefits remains with the claimant. Section 5107(b), as amended, retains the language in current section 5107(b) requiring that claimants be given the "benefit of the doubt" when there exists an approximate balance of positive and negative evidence.

Compromise Agreement

Proposed section 5107(a) of the compromise agreement provides that a claimant has the responsibility to present and support a claim for the benefit sought. As under current law, the Secretary would be required to consider all information and lay and medical evidence of record, and when there is an approximate balance of positive and negative evidence regarding an issue material to the determination of a matter, the Secretary would be required to give the benefit of the doubt to the claimant.

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

Current Law

Section 5106 of title 38, United States Code, provides that in obtaining evidence for the development of a claim for veterans benefits, Federal departments or agencies shall provide information that the Secretary requests to determine eligibility for, or the amount of benefits, or to verify other information necessary to adjudicate a claim.

House Bill

Section 5 of the House bill adds a new sentence to section 5106 to provide that Federal departments or agencies shall furnish the Department of Veterans Affairs with records pertaining to a benefits application without charge.

Senate Bill

Proposed section 5103A(d) provides that the costs of providing VA with information are to be borne by the department or agency supplying the information.

Compromise Agreement

Section 5 of the compromise agreement follows the Senate language.

EFFECTIVE DATE

House Bill

Section 6 of the House bill provides that, in general, the provisions in the bill would

apply to claims filed on or after the date of enactment and to claims which are not final as of that date. Subsection (b) of section 6 would establish a special rule providing retroactive relief on claims which were not final or which were dismissed as not "well-grounded" beginning on July 14, 1999 (the effective date of the Morton decision). In such cases, the Secretary would order the claim to be readjudicated at the request of the claimant or on the Secretary's own motion. Subsection (b)(2) would provide that a motion to readjudicate the claim would have to be made within two years from the date of enactment, while subsection (b)(3) would relieve the Secretary, in the absence of a motion to readjudicate, of any obligation to locate and readjudicate claims which might be affected by the change in law described in this subsection.

Senate Bill

The Senate provision is virtually identical to the House bill.

Compromise Agreement

Section 7 of the compromise agreement contains this provision.

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 the Veterans Claims Assistance Act of 2000, H.R. 4864, and I thank every individual who helped perfect this measure, particularly the gentleman from Arizona (Chairman STUMP). This has broad-based bipartisan, bicameral support; and it is worthy of the support of every Member of this House.

Last fall, after the Department of Veterans Affairs implemented the Morton versus West decision of the United States Court of Appeals for veterans claims, I introduced H.R. 3193, the Duty to Assist Act. This legislation was introduced to correct erroneous interpretations of the law. Judicial review was intended to continue VA's long-standing obligation to assist all veterans develop their claims. Under this decision, the exact opposite has occurred.

On March 23, 2000, the Subcommittee on Benefits held a hearing on my bill. Following that, a bipartisan compromise, H.R. 4864, was introduced.

I am especially pleased all critical provisions of H.R. 3193 have been perfected and incorporated into H.R. 4864's amendment. These include the removal of the well-grounded claim requirement, specific notice requirements, duty to assist all claimants, additional specific requirements for service-connected disability claims.

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

Madam Speaker, I urge my colleagues to support the Veterans Claims Assistance Act of 2000, H.R. 4864.

Madam Speaker, the Veterans Claims Assistance Act of 2000, H.R. 4864, is the product of hard work of many people. Members of the Veterans' Affairs Committees of both bodies, Democratic and Republican committee staff from both bodies, representatives of vet-

erans service organizations and the administration have all contributed to this measure. I thank each individual who has helped perfect this measure and I particularly thank Chairman STUMP for his leadership in crafting H.R. 4864, which has broad bipartisan, bicameral support.

Last fall, after the Department of Veterans Affairs (VA) implemented the Morton v. West decision of the United States Court of Appeals for Veterans Claims, I introduced H.R. 3193, the Duty to Assist Act. This legislation was introduced to correct erroneous interpretations of law. Judicial review was intended to continue VA's long standing obligation to assist all veterans with the development of their claims. Under the Morton decision, the exact opposite occurred.

On March 23, 2000, the Subcommittee on Benefits held a hearing on my bill and the problems experienced by veterans under the well-grounded claim requirement. A number of suggestions were made during this hearing and in subsequent meetings with representatives of the VA and veterans service organizations. As a result, a bipartisan compromise bill H.R. 4864, was introduced. The other body also addressed this problem in a provision included in S. 1810. The compromise bill we are considering today, H.R. 4864, as amended by the other body, includes elements of bills passed by both houses of Congress.

I am especially pleased that all of the critical provisions from H.R. 3193 have been perfected and incorporated into H.R. 4864. These include:

REMOVAL OF THE WELL-GROUNDED CLAIM REQUIREMENT

First and most importantly, the bill eliminates the requirement that a veteran submit a well-grounded claim before VA is required to offer any help to a veteran in the development of his or her claim.

Unfortunately for veterans and their survivors, the requirement to submit a well-grounded claim gradually increased from the concept of a uniquely low threshold, to a significant barrier, requiring veterans to purchase medical evaluations and opinion before their claims could be considered on their merits. Claims of combat-injured veterans were denied before VA adjudicators even obtained copies of the veterans' service medical records. Veterans who were being discharged from military service because of a disability had their claim for service-connected disability benefits for that disability denied as not well-grounded. In some of these cases, the veteran later supplied copies of their military and other medical records and had benefits awarded after multiple decision concerning the "well-groundedness" of various parts of the claim. In other cases, I fear that deserving veterans have just gone away, feeling betrayed by the government they have served so honorably.

By removing the well-grounded claim requirement, I expect that the VA will proceed in a fair and reasonable fair manner to identify and obtain all of the relevant evidence necessary to make an accurate decision on the claim when it is first presented. While some claims may ultimately be denied, by obtaining and reviewing all of the relevant evidence first, veterans will be assured that their claims have been fairly and fully considered.

SPECIFIC NOTICE REQUIREMENTS

I am particularly concerned that the notices sent to veterans often do not contain clear information that enables the veteran to understand what actions VA has taken or will take

and what information or evidence the veteran should provide. If VA is requesting the veteran to supply information such as employment information or school records of children, the notice should provide enough information in clearly understandable language for the veteran to understand what is being requested. Following the Morton decision many veterans received virtually indecipherable notices advising them that their claim was "not well-grounded". I encourage the VA to continue developing communications using plain English which the majority of beneficiaries can be expected to understand. The compromise bill expands upon the notice requirements specified in H.R. 3193.

DUTY TO ASSIST ALL CLAIMANTS

The compromise bill makes it clear that VA has a duty to make reasonable efforts to assist all claimants in obtaining evidence needed to substantiate their claim. What is reasonable will depend upon the nature of the claim being pursued and the evidence which is needed to establish that claim. If a medical examination or opinion is needed VA is required to provide it. If private medical records are needed, VA should request the records from the treating source with the consent of the veteran claimant.

ADDITIONAL SPECIFIC REQUIREMENTS FOR SERVICE-CONNECTED DISABILITY CLAIMS

The compromise bill contains specific special requirements for the adjudication of service-connected disability claims. These requirements recognize that certain actions are always necessary to the proper development of claims for service-connected compensation benefits and are therefore mandated.

The Committees have determined that because of special responsibility of the government for claims for service-connected compensation benefits that there are certain circumstances when VA may not proceed to decide a claim without first obtaining a medical examination or opinion. If the record contains competent evidence that the claimant has a current disability or symptoms and indicates that the disability or symptoms may be associated with the claimant's military service, but the medical evidence is insufficient to make a determination on the claim, VA must obtain a medical evaluation or opinion. If the evidence is sufficient to decide the claim, VA may proceed to decide it.

I am particularly concerned with the number of cases reviewed by Committee staff in which VA has evidence of a current disability and an indication of a potential in-service incident or series of events which may have caused or aggravated the disability, but VA has failed to obtain a medical opinion concerning the relationship between the two. For example, under this provision, I expect that if a veteran's military records indicate he served as a paratrooper, making multiple jumps during service in Vietnam and the veteran now has evidence of arthritis of the knees he indicates was due to these jumps, VA will be required to obtain a medical opinion as to whether it is as likely as not that his current arthritis is related to his military service.

I recognize that some concerns have been raised that because the bill mandates certain procedures in some circumstances and not in others, VA will refuse to comply with its general duty to assist contained in the amended section 5103A(a)(1) of title 38. I do not believe that in implementing this law, VA will refuse to comply with its general duty to assist.

The general duty to assist section is intended to provide VA with the flexibility to make whatever reasonable efforts are needed in order to properly adjudicate the particular claim. If a pension applicant needs a medical examination to determine disability, I fully expect VA to provide a medical examination. If a medical evaluation or opinion is needed to resolve conflicts in the medical evidence related to a service-connected claim, I fully expect VA to obtain the requisite examination or opinion. The special provisions mandated for service-connected claims in some circumstances is not, and should not be interpreted by VA, as a license to ignore the general duty to assist provided in the same bill.

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 Congress' responsibility to correct the problem. H.R. 4864, as amended, will do this.

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 upon all relevant and available evidence. Where it is as likely as not that a disability was incurred or aggravated during military service, the benefit of the doubt rule dictates that the disability will be service-connected. Passage of H.R. 4864 will help to assure that their claims are properly considered and fairly decided.

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 Nevada (Mr. GIBBONS), a member of the committee.

Mr. GIBBONS. Madam Speaker, to the gentleman from Arizona (Mr. STUMP), my friend and colleague, the distinguished chairman of the Committee on Veterans' Affairs, I want to thank him for his leadership, as well as the gentleman from Illinois (Mr. EVANS), the ranking member, for his contributions and leadership to this very important issue.

Madam Speaker, I am pleased to rise today in support of H.R. 4864, as amended, the Veterans Claims Assistance Act of 2000. The members of the Subcommittee on Benefits have worked for the past 7 months on crafting legislation to address the Morton versus West decision by the Court of Appeals for veterans claims. H.R. 4864, as amended, meets that challenge.

This and previous court decisions have construed VA's authority to develop claims that are not what is legally referred to as well grounded, and the results have created a significant barrier to veterans who need assistance in obtaining information and evidence in order to receive benefits from the VA.

Among other things, H.R. 4864, as amended, requires the Secretary to furnish all necessary forms and instructions to file a claim when a request is made and requires the Secretary to make reasonable efforts to assist in the development of information and medical and lay evidence necessary to establish eligibility of a claimant for benefits.

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This bill eliminates the "well grounded" requirements.

With regard to compensation claims, this bill requires the Secretary to obtain the claimant's service medical records and other relevant records pertaining to the claimant's active military service, if the claimant provides sufficient information to locate them, and requires the Secretary to provide a medical examination or obtain a medical opinion when such an exam or opinion is necessary to make a decision on that claim.

As the chairman has indicated, we have been working with the VA officials and members of veterans service organizations to develop a bill that addresses the concerns of all interested parties, and I believe we have succeeded in this bill. I want to thank the chairman and the ranking member once again for their leadership, and I urge my colleagues to support H.R. 4864 as amended.

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 to thank the ranking member of the committee, the gentleman from Illinois (Mr. EVANS), and express my appreciation for his efforts on behalf of this legislation.

I also want to thank the members of the Subcommittee on Benefits, and the chairman in particular, for all their hard work on H.R. 4864.

I would also like to tell my colleagues about the hard work performed by the chairman of the Subcommittee on Benefits, the gentleman from New York (Mr. QUINN), during the 106th Congress. This Congress has been a very good one for veterans, due in no small part to the extraordinary energy of the gentleman from New York. He has done a commendable job leading a subcommittee that deals with very difficult and sometimes emotional issues, and I thank him very much for all his hard work.

I would also like to thank the gentleman from Nevada (Mr. GIBBONS), a member of the committee, for his contributions to this bill.

Mr. FILNER. Madam Speaker, I thank the Chairman, Mr. STUMP and the Ranking Member of the Full Committee, Mr. EVANS for their hard work in bringing the Veterans Claims Assistance Act of 2000, H.R. 4864 as amended, before us today.

Following the U.S. Court of Appeals for Veterans Claims decision in *Morton v. West* thousands of veterans throughout this country received letters from VA telling them that their claims for disability benefits were "not well-grounded." In many cases, the notices were incomprehensible to veterans.

Veterans were told that they had to submit evidence of a "nexus" between their military service and current disability before VA would provide them any help at all. Claims of combat injured veterans were denied before records of military service were obtained.

In our subcommittee hearing on Mr. EVAN'S bill we heard eloquent testimony about the seriousness of the problem.

Veterans with claims for service-connected disabilities which were noted in their service medical records had those claims rejected as "not well-grounded."

Veterans being treated by VA physicians were denied VA medical opinions concerning the relationship between their disability and their military service and were thus unable to provide "nexus" statements VA required without purchasing medical opinions at their own expense.

Vietnam veterans with conditions presumed under law to be service-connected as a result of Agent Orange exposure had claims rejected as not well-grounded.

Medal of Honor winners and former Prisoners of War had their claims rejected.

This bill will rectify those errors. In addition, the bill contains very specific notice requirements. Even as a former college professor, I have found notices sent to veterans who contact my office, both here and in San Diego, to be virtually incomprehensible. The compromise bill passed by the Senate requires VA to inform veterans when additional information is needed. If VA is unable to obtain records identified by the claimant, VA is required to notify the claimant that the records were not obtained, describe the efforts made to obtain the records and describe the action to be taken by the Secretary. These provisions were inserted to assure that veterans are able to make informed decisions concerning their claims. I expect VA to provide this information in simple, plain, understandable English.

By passing H.R. 4864, this House agreed that veterans and other claimants have a right to have their claims fully developed and properly evaluated. The Senate has now agreed.

By passing this bill Congress will send a strong message to the VA and our Nation's veterans concerning our government's obligation to care for him who has borne the battle. I urge my colleagues to support this bill.

Mr. GILMAN. Madam Speaker, I rise today in strong support of H.R. 4864, the Veterans' Claims Assistance Act of 2000. I urge my colleagues to join in supporting this worthy legislation.

H.R. 4864, authorizes the Secretary of Veterans Affairs to assist a veteran claimant in obtaining evidence to establish an entitlement to a benefit. The bill achieves this by requiring the Secretary of Veterans Affairs to make reasonable efforts to obtain relevant records that the claimant identifies, unless there is no reasonable possibility that assistance would aid in substantiating the claim. Also, the measure eliminates the requirement that a claimant submit a "well-grounded" claim before the Secretary can assist in obtaining evidence.

For service-connected disability compensation claims, H.R. 4864 requires the Secretary to obtain existing service medical records and other relevant records pertaining to the claimant's active military, naval, or air service that are maintained by the Government if the claimant provides sufficient information to locate them, and provide a medical examination or obtain a medical opinion when such an examination (or opinion) is necessary to make a decision on the claim. The bill further requires other Federal agencies to furnish relevant records to the Department at no cost to the claimant.

Under the bill a "claimant" is a person who would be eligible to receive assistance from the Veterans Secretary as any person seeking veterans benefits. The Secretary would be required to give the benefit of the doubt to the claimant when there is an approximate balance of positive and negative evidence regarding an issue material to the determination of a matter.

Finally, H.R. 4864 permits veterans who had claims denied or dismissed after the court of appeals for veterans claims decision in *Morton v. West* to request review of those claims within a 2-year period following enactment.

Madam Speaker, the VA claims process was initially intended to be friendly to the veterans. In recent years, however, the system has been plagued by unacceptably long delays and far too many bureaucratic hurdles. Earlier this year, the House addressed the issue of timeliness. This bill seeks to remove one of the barriers that has recently arisen to block the successful resolution of many claims.

In July 1999, the court of appeals for veterans claims stated in the case of *Morton v. West* that 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, not only prevents the VA from providing assistance to veterans, it has also led to confusion concerning 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.

Accordingly, I urge my colleagues to support this important legislation.

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. MORELLA). 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 amendment to the bill, H.R. 4864.

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

A motion to reconsider was laid on the table.

VETERANS BENEFITS AND HEALTH CARE IMPROVEMENT ACT OF 2000

Mr. STUMP. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the House amendments to the Senate bill (S. 1402) to amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes.

The Clerk read as follows:

Senate amendments to house amendments: In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Benefits and Health Care Improvement Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

Subtitle A—Montgomery GI Bill Educational Assistance

Sec. 101. Increase in rates of basic educational assistance under Montgomery GI Bill.

Sec. 102. Uniform requirement for high school diploma or equivalency before application for Montgomery GI Bill benefits.

Sec. 103. Repeal of requirement for initial obligated period of active duty as condition of eligibility for Montgomery GI Bill benefits.

Sec. 104. Additional opportunity for certain VEAP participants to enroll in basic educational assistance under Montgomery GI Bill.

Sec. 105. Increased active duty educational assistance benefit for contributing members.

Subtitle B—Survivors' and Dependents' Educational Assistance

Sec. 111. Increase in rates of survivors' and dependents' educational assistance.

Sec. 112. Election of certain recipients of commencement of period of eligibility for survivors' and dependents' educational assistance.

Sec. 113. Adjusted effective date for award of survivors' and dependents' educational assistance.

Sec. 114. Availability under survivors' and dependents' educational assistance of preparatory courses for college and graduate school entrance exams.

Subtitle C—General Educational Assistance

Sec. 121. Revision of educational assistance interval payment requirements.

Sec. 122. Availability of education benefits for payment for licensing or certification tests.

Sec. 123. Increase for fiscal years 2001 and 2002 in aggregate annual amount available for State approving agencies for administrative expenses.

TITLE II—HEALTH PROVISIONS

Subtitle A—Personnel Matters

Sec. 201. Annual national pay comparability adjustment for nurses employed by Department of Veterans Affairs.

Sec. 202. Special pay for dentists.

Sec. 203. Exemption for pharmacists from ceiling on special salary rates.

Sec. 204. Temporary full-time appointments of certain medical personnel.

Sec. 205. Qualifications of social workers.

Sec. 206. Physician assistant adviser to Under Secretary for Health.

Sec. 207. Extension of voluntary separation incentive payments.

Subtitle B—Military Service Issues

Sec. 211. Findings and sense of Congress concerning use of military histories of veterans in Department of Veterans Affairs health care.

Sec. 212. Study of post-traumatic stress disorder in Vietnam veterans.

Subtitle C—Medical Administration

Sec. 221. Department of Veterans Affairs Fisher Houses.

Sec. 222. Exception to recapture rule.

Sec. 223. Sense of Congress concerning cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of medical items.

Sec. 224. Technical and conforming changes.