

the jurisdiction of the Committee on Armed Services over the bill or as a precedent for other bills. In addition, if a conference on H.R. 3936 should become necessary, I will support any request by you for the Committee on Armed Services to be represented on the conference. Finally, because the bill report was submitted on June 9, 2004, I will include your letter and this reply in the Congressional Record during House consideration of H.R. 3936.

Thank you for your cooperation on this matter of interest to both of our committees, and I look forward to working with you again on other matters.

Sincerely,

CHRISTOPHER H. SMITH,  
Chairman.

GENERAL LEAVE

Mr. SMITH of New Jersey. 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. 3936.

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

There was no objection.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from South Carolina (Mr. BROWN) and the ranking member, the gentleman from Maine (Mr. MICHAUD), of the Subcommittee on Benefits for their strong support and work in crafting this legislation; and to my good friend, the gentleman from Illinois (Mr. EVANS), the ranking member on the full committee.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3936.

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

A motion to reconsider was laid on the table.

## VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2004

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4175) to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4175

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 "Veterans' Compensation Cost-of-Living Adjustment Act of 2004".

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

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2004, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

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

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

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

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

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

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

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

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

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

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2004.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title 11 of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2004, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

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

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

## SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2005, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

## SEC. 4. IMPROVED BENEFITS FOR FORMER PRISONERS OF WAR.

Section 1112(b)(3) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(L) Osteoporosis."

## SEC. 5. CODIFICATION OF COST-OF-LIVING ADJUSTMENT PROVIDED IN PUBLIC LAW 108-47.

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 of title 38, United States Code, is amended—

(1) by striking "\$104" in subsection (a) and inserting "\$106";

(2) by striking "\$201" in subsection (b) and inserting "\$205";

(3) by striking "\$310" in subsection (c) and inserting "\$316";

(4) by striking "\$445" in subsection (d) and inserting "\$454";

(5) by striking "\$633" in subsection (e) and inserting "\$646";

(6) by striking "\$801" in subsection (f) and inserting "\$817";

(7) by striking "\$1,008" in subsection (g) and inserting "\$1,029";

(8) by striking "\$1,171" in subsection (h) and inserting "\$1,195";

(9) by striking "\$1,317" in subsection (i) and inserting "\$1,344";

(10) by striking "\$2,193" in subsection (j) and inserting "\$2,239";

(11) in subsection (k)—

(A) by striking "\$81" both places it appears and inserting "\$82"; and

(B) by striking "\$2,728" and "\$3,827" and inserting "\$2,785" and "\$3,907", respectively;

(12) by striking "\$2,728" in subsection (l) and inserting "\$2,785";

(13) by striking "\$3,010" in subsection (m) and inserting "\$3,073";

(14) by striking "\$3,425" in subsection (n) and inserting "\$3,496";

(15) by striking "\$3,827" each place it appears in subsections (o) and (p) and inserting "\$3,907";

(16) by striking "\$1,643" and "\$2,446" in subsection (r) and inserting "\$1,677" and "\$2,497", respectively; and

(17) by striking "\$2,455" in subsection (s) and inserting "\$2,506".

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) of such title is amended—

(1) by striking "\$125" in subparagraph (A) and inserting "\$127";

(2) by striking "\$215" and "\$64" in subparagraph (B) and inserting "\$219" and "\$65", respectively;

(3) by striking "\$85" and "\$64" in subparagraph (C) and inserting "\$86" and "\$65", respectively;

(4) by striking "\$101" in subparagraph (D) and inserting "\$103";

(5) by striking "\$237" in subparagraph (E) and inserting "\$241"; and

(6) by striking "\$198" in subparagraph (F) and inserting "\$202".

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 of such title is amended by striking "\$588" and inserting "\$600".

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—(1) Section 1311(a) of such title is amended—

(A) by striking "\$948" in paragraph (1) and inserting "\$967"; and

(B) by striking "\$204" in paragraph (2) and inserting "\$208".

(2) The table in section 1311(a)(3) of such title is amended to read as follows:

"Pay grade	Month-ly rate	Pay grade	Month-ly rate
E-1 .....	\$967	W-4 .....	\$1,157
E-2 .....	\$967	O-1 .....	\$1,022
E-3 .....	\$967	O-2 .....	\$1,056
E-4 .....	\$967	O-3 .....	\$1,130
E-5 .....	\$967	O-4 .....	\$1,195
E-6 .....	\$967	O-5 .....	\$1,316
E-7 .....	\$1,000	O-6 .....	\$1,483
E-8 .....	\$1,056	O-7 .....	\$1,602
E-9 .....	\$1,102 <sup>1</sup>	O-8 .....	\$1,758
W-1 .....	\$1,022	O-9 .....	\$1,881
W-2 .....	\$1,063	O-10 .....	\$2,063 <sup>2</sup>
W-3 .....	\$1,094		

<sup>1</sup>"If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be \$1,189.

<sup>2</sup>"If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be \$2,213."

(3) Section 1311(b) of such title is amended by striking "\$237" and inserting "\$241".

(4) Section 1311(c) of such title is amended by striking “\$237” and inserting “\$241”.

(5) Section 1311(d) of such title is amended by striking “\$113” and inserting “\$115”.

(e) *DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN*.—(1) Section 1313(a) of such title is amended—

(A) by striking “\$402” in paragraph (1) and inserting “\$410”;

(B) by striking “\$578” in paragraph (2) and inserting “\$590”;

(C) by striking “\$752” in paragraph (3) and inserting “\$767”;

(D) by striking “\$752” and “\$145” in paragraph (4) and inserting “\$767” and “\$148”, respectively.

(2) Section 1314 of such title is amended—

(A) by striking “\$237” in subsection (a) and inserting “\$241”;

(B) by striking “\$402” in subsection (b) and inserting “\$410”;

(C) by striking “\$201” in subsection (c) and inserting “\$205”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4175, as amended, would provide a cost-of-living adjustment in the same amount as given to Social Security recipients, to disabled veterans and surviving spouses. The committee ordered this bill reported when it met on May 19, 2004. Five other measures were also ordered reported at that meeting of our committee.

All veterans and qualified survivors of veterans who receive disability compensation would receive a full COLA on December 1 of this year. The COLA is actually calculated on September 30; but if calculated today, it would be 2.2 percent.

More than 2.5 million veterans, Madam Speaker, were receiving service-connected disability compensation as of April of 2004. The basic purpose of the disability compensation program is to provide a measure of relief from the impaired earning capacity of veterans disabled as a result of their military service. These benefits are paid monthly, and range from \$106 for a 10 percent disability to \$2,239 per month for a 100 percent disability. Additional monetary benefits are available for our most severely disabled veterans, as well as for their dependents.

Spouses of veterans who died on active duty or as the result of a service-connected disability likewise are entitled to monetary compensation, as the Nation assumes, in part, the legal and moral obligation of the veteran to support the spouse and the children. Depending on their spouse's rank or grade in service, a spouse receives between \$967 and \$2,063 monthly. Currently, there are more than 300,000 surviving spouses and more than 29,900 children receiving dependency and indemnity compensation, also known as DIC.

The bill would also expand the list of diseases presumed to be related to a

former prisoner of war for which benefits may be paid by adding osteoporosis, an often crippling bone condition. Former prisoners of war are eligible for disability compensation if they are disabled from one of the 16 conditions presumed to be the result of their POW experience.

I want to thank the gentleman from Florida (Mr. BILIRAKIS), the committee's vice chairman, for working with us to include this portion of his bill, which was H.R. 348.

Finally, the bill would codify the current rates of compensation for service-connected disabilities and the rates of DIC for surviving spouses and children of veterans who die of service-connected causes, which went into effect last December, pursuant to Public Law 108-147.

I urge my colleagues to support this bill. It is a bipartisan bill.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I would like to thank once again the gentleman from New Jersey (Mr. SMITH); the ranking member, the gentleman from Illinois (Mr. EVANS); and our chairman of the Subcommittee on Benefits, the gentleman from South Carolina (Mr. BROWN), for their continued efforts to assure that our veterans' purchasing power is not decreased with the passage of time.

H.R. 4175, the Veterans Compensation Cost-of-Living Act of 2004, will help our service-disabled veterans and their survivors maintain the value of their compensation benefits despite any increase in the cost of living.

Although we will not know the amount of the increase until the consumer price index is computed this fall, I expect this bill will provide an increase in benefits for calendar year 2005.

No amount of money can adequately compensate for the loss of life or limb, but it is important that the compensation that is paid does not lose its value as the cost of living rises. This is particularly important in a rural State like Maine. Some labor market areas in my State have experienced double-digit unemployment. In one labor market alone last year, unemployment was as high as 32 percent.

Veterans benefits help veterans and their families in these areas make ends meet. I am also happy to note that the bill contains a provision adding osteoarthritis to the list of conditions that are presumptively service-connected for veterans who are former POWs.

I am a co-sponsor of H.R. 348, introduced by the gentleman from Florida (Mr. BILIRAKIS), which contains this provision and more. I regret that the full bill cannot be considered because of the fiscal constraints.

I believe that when men and women suffer disabilities as a result of confinement as prisoners of war, this Na-

tion should compensate them for all the disabilities that result. These disabilities are another cost of war, and they should be recognized and compensated as such. This provision is another small step in the right direction.

H.R. 4175 will receive my full support, and it deserves the support of Members of this House.

Madam Speaker, I reserve the balance of my time.

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Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. BROWN), the distinguished chairman of our Subcommittee on Benefits.

Mr. BROWN of South Carolina. Madam Speaker, I rise in support of H.R. 4175, the Veterans' Compensation Cost-of-Living Adjustment Act of 2004.

Congress acts annually to provide a cost-of-living adjustment in VA disability compensation and survivors benefits. Congress has provided increases in these rates for every fiscal year since 1976, and the administration's fiscal year 2005 budget includes the cost for this increase.

As well as providing the cost-of-living adjustment effective December 1, 2004, and codifying the current dollar amount for veterans and survivors benefits, H.R. 4175, as amended, would add osteoporosis to the list of diseases presumed to be service-connected for former prisoners of war. This particular provision is derived from H.R. 438, which the gentleman from Florida (Mr. BILIRAKIS) introduced in January of 2003. The vice chairman has long been a champion for former POWs, and I regret that due to budgetary obstacles we were not able to consider his bill in its entirety. I appreciate his understanding in that regard.

Madam Speaker, I note that last year the Secretary of Veterans Affairs convened a work group comprised of officials from the Veterans Health Administration, Veterans Benefits Administration and the Office of General Counsel, to develop a methodology for a fair and balanced assessment of medical conditions identified and associated with POW detention. This summer, the workgroup will recommend to the Secretary any conditions it believes warrant either presumptive status or further study. I look forward to meeting with the Secretary upon the workgroup's findings.

I want to thank the gentleman from Maine (Mr. MICHAUD), the ranking member of the Subcommittee on Benefits, for his efforts on this bill and urge all my colleagues to support it.

Mr. MICHAUD. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS), the ranking member of the committee.

Mr. EVANS. Madam Speaker, I would like to thank the gentleman from New Jersey (Mr. SMITH), chairman of the full committee; the gentleman from South Carolina (Mr. BROWN), the Subcommittee on Benefits chairman; and

the gentleman from Maine (Mr. MICHAUD), the ranking Democratic member, for their spirit of bipartisanship. Their work has resulted in a bill strongly supported by Members on both sides of the aisle.

H.R. 4175, the Veterans' Compensation Cost-of-Living Adjustment Act of 2004, will help our service-disabled veterans and their survivors maintain the value of their benefits despite any increases in cost-of-living adjustments. Our Nation's veterans and survivors have earned these benefits, and we must maintain their purchasing power.

I strongly support the provision adding osteoarthritis to the list of conditions which are presumptively service-connected for veterans who are former prisoners of war. Last year, the Congress passed legislation which I introduced to add additional disabilities to the presumptive list and to eliminate the time period of internment for certain conditions. I am a cosponsor and strongly support efforts to improve benefits for prisoners of war.

Additional presumptive conditions and the establishment of criteria for the Department of Veterans Affairs to establish new presumptive conditions are contained in H.R. 348, introduced by the gentleman from Florida (Mr. BILIRAKIS), my good friend. I hope that all of these provisions will one day become law.

This is a bill which deserves the support of all of the Members of this House. I urge all Members to support it.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. BEAUPREZ), a distinguished member of the committee.

Mr. BEAUPREZ. Madam Speaker, I thank the gentleman and the chairman of our committee for his diligence on this bill, as well as on behalf of all veterans. He is to be commended. And my thanks as well to the gentleman from Maine (Mr. MICHAUD), my good friend, and the gentleman from Illinois (Mr. EVANS), the ranking member of our full committee, for his work as well. It has been a real pleasure to serve on the Committee on Veterans' Affairs in a true bipartisan effort.

Mr. Speaker, I rise in full support of H.R. 4175. There is absolutely no question that our Nation's veterans are truly deserving of every bit of assistance we can afford to provide them in return for their service to our country.

Disabled veterans must receive even greater care and compensation. It is imperative that we ensure that these brave men and women receive every benefit they have so painstakingly earned.

It is equally important that these benefits be periodically adjusted to meet the increasing demands of inflation.

This bill, the Veterans' Compensation Cost-of-Living Adjustment Act, will increase disability compensation and survivor pensions based upon the

Consumer Price Index. In addition, the bill will also provide additional compensation for surviving spouses and their children.

Madam Speaker, I feel the merits of this bill speak for themselves and have already eloquently been addressed in this Chamber. I hope my colleagues here today will join me in supporting this legislation for those who helped defend our Nation's unparalleled ideals.

Mr. MICHAUD. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Speaker, I rise today in support of H.R. 4175, the Veterans' Compensation Cost-of-Living Adjustment Act of 2004.

I would also like to take this opportunity to thank the gentleman from New Jersey (Mr. SMITH), the chairman of the Committee on Veterans Affairs, and of course, the gentleman from Illinois (Mr. EVANS), our ranking member, for their leadership and advocacy for our Nation's veterans. I also would like to thank the gentleman from Maine (Mr. MICHAUD) for his efforts and his leadership as the ranking member of the Subcommittee on Benefits, as well as the gentleman from South Carolina (Mr. BROWN).

Every year Congress does a small yet much welcomed cost-of-living adjustment to increase the rates of disability compensation for veterans with service-connected disabilities. This legislation, similar to those we have passed before, would authorize the cost-of-living adjustment on December 1, 2004, based on the same formula for our Social Security users. Additionally, it would increase the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans.

Our disabled veterans are some of our country's greatest assets.

The Disabled American Veterans say it best: "Treaties are signed and the battles of nations end, but the personal battles of those disabled in war only begin when the guns fall silent." These men and women must struggle to regain health, to reshape lives shattered by disability, learn new trades or professions, and rejoin the civilian world. At each step, they need help to help themselves.

Madam Speaker, I know that this is just a small increase for our veterans and their survivors, but I know that they appreciate it. I encourage all my colleagues to vote in favor of this particular piece of legislation.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume. We do not have any further requests for time.

I, too, want to thank the gentleman from Maine (Mr. MICHAUD) and again the gentleman from Illinois (Mr. EVANS) and the gentleman from South Carolina (Mr. BROWN). This is again a good, bipartisan piece of legislation. It is very significant and will significantly help our veterans and especially those who are service-connected disabled.

Madam Speaker, I yield back the balance of our time.

Mr. MICHAUD. Madam Speaker, I yield 3 minutes to the gentlewoman from South Dakota (Ms. HERSETH), who has shown her interest in veterans' issues and is very dedicated and will be a hard fighter for veterans' issues.

Ms. HERSETH. Madam Speaker, I thank the gentleman for yielding me time.

I would like to thank the gentleman from New Jersey (Mr. SMITH), chairman of the House Committee on Veterans' Affairs, and the gentleman from Illinois (Mr. EVANS), the ranking Democrat member, as well as the gentleman from South Carolina (Mr. BROWN) and the gentleman from Maine (Mr. MICHAUD) for again working together to maintain the level of benefits provided to veterans who are disabled as a result of their military service and the survivors of those who have died.

In this Chamber, we hear debates often on the merits and costs of various programs proposed by the Department of Defense. Today, as men and women of the Armed Forces place themselves in harm's way, this bill reminds us that the costs of war do not end when the treaties are signed and the battle is over.

Those who are disabled while serving this Nation deserve to be appropriately compensated for the harm that they have suffered. As the cost-of-living rises, so must the compensation paid to those who have service-connected disabilities.

Those who have been held as prisoners of war deserve our special consideration. This bill would recognize that former prisoners of war are at greatest risk of osteoarthritis. I commend the gentleman from Florida (Mr. BILIRAKIS), the subcommittee chairman, for his efforts in this regard.

H.R. 4175 is a bill which deserves the support of all Members of this House, and I urge all Members to support it.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4175, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. 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.