

Mr. Speaker, in 1994 under Public Law 103-446, the Veterans' Benefits Improvements Act, Congress established the Advisory Committee on Minority Veterans. The committee is comprised of veterans who represent their respective minority groups and are recognized authorities in fields pertinent to their needs. The committee's goal is to promote the use of VA programs, benefits, and services by minority veterans, to make benefits and services more accessible to minority veterans, and to evaluate current programs and make recommendations on how the VA can better serve minority veterans.

As I said, current authority for the committee is set to expire December 31, 2009. By supporting H.R. 674, we eliminate the expiration date and permanently extend this important committee to ensure the perspectives of minority veterans are considered during the establishment of VA benefits and services. I urge my colleagues to support the bill.

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

#### GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I would again ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 674.

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

There was no objection.

Mr. GUTIERREZ. I rise today to urge my colleagues to support H.R. 674, legislation to make the Advisory Committee on Minority Veterans permanent. I have sponsored this legislation along with Congresswoman CORRINE BROWN, who serves on the Veterans' Affairs Committee. Current law mandates the termination of the Advisory Committee on Minority Veterans (ACMV) on December 31, 2009. This bill would simply repeal the provision of law that sunsets this important committee so that its critical work on behalf of minority veterans can continue.

The Advisory Committee on Minority Veterans operates in conjunction with the VA Center for Minority Veterans. This committee consists of members appointed by the Secretary of Veterans Affairs and includes minority veterans, representatives of minority veterans groups and individuals who are recognized authorities in fields pertinent to the needs of minority veterans.

The Advisory Committee on Minority Veterans helps the VA Center for Minority Veterans by advising the Secretary on the adoption and implementation of policies and programs affecting minority veterans, and by making recommendations to the VA for the establishment or improvement of programs in the department for which minority veterans are eligible.

The Committee has consistently provided the VA and Congress with balanced, forward-looking recommendations, many of which go far beyond the unique needs of minority veterans. In 2002, the Committee met in my hometown of Chicago and warned that in the Chicago regional office, "it was mentioned that it was much easier to deny benefits than to

grant benefits because of stringent requirements of the Veterans Benefits Administration and the Court of Appeal for Veterans Claims."

The Chicago Sun-Times later exposed that Illinois veterans ranked 50th in disability benefit compensation. That information sparked a campaign by the Illinois Congressional Delegation to rectify the situation. Since then, the VA Inspector General has issued his report and recommendations, and the Secretary has pledged additional staff and resources to the Chicago regional office.

The Committee will also be needed in the future since the unique concerns of minority veterans will become increasingly important for our nation over the next decade.

Currently, 17 percent of the troops serving in Iraq and Afghanistan are African-American, while 11 percent are Hispanic. The concerns of these veterans and others will not disappear on December 31, 2009, nor should the Committee that represents them. The Advisory Committee on Minority Veterans has helped our minority veterans from past wars with programs to address their concerns. We should not shortchange our newly returning soldiers by allowing this Committee's tenure to expire.

Many specific issues of concern to minority veterans need to be addressed further. Minority veterans confront the debilitating effects of post-traumatic stress disorder (PTSD) and substance abuse in greater numbers. Minority veterans suffer from a higher incidence of homelessness. Access to health care for Native American veterans is also a common problem. In addition, access to adequate job training is a difficulty for many minority veterans, a high percentage of whom qualify as low-income, category A veterans.

Unfortunately, discrimination and cultural insensitivity remain problematic for minority veterans at many VA facilities. The Advisory Committee on Minority Veterans still has a lot of work to do, and I urge my colleagues to support this legislation to make this important Committee permanent.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 674, a bill to amend title 38, United States Code, to permanently establish the Advisory Committee on Minority Veterans, which is set to expire December 31, 2009.

I commend my colleague from Illinois, LUIS GUTIERREZ for introducing this bill.

Mr. Speaker, in 1994, under Public Law 103-446, the Veterans' Benefits Improvements Act, Congress established the Advisory Committee on Minority Veterans.

The Committee is comprised of veterans who represent their respective minority groups and are recognized authorities in fields pertinent to their needs. The Committee's goal is to: promote the use of VA programs, benefits, and services by minority veterans; make benefits and services more accessible to minority veterans; and, evaluate current programs and make recommendations on how VA can better serve minority veterans.

As I previously stated, authority for the Committee will expire December 31, 2009. By supporting H.R. 674, we eliminate the expiration date and permanently extend this important committee to ensure the perspectives of minority veterans are considered during the establishment of VA benefits and services.

I urge my colleagues to support the bill.

Mr. FILNER. Mr. Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 674.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAMBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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.

The point of no quorum is considered withdrawn.

#### VETERANS DISABILITY BENEFITS CLAIMS MODERNIZATION ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5892) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the disability benefits claims processing system of the Department of Veterans Affairs to ensure the accurate and timely delivery of compensation to veterans and their families and survivors, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5892

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Disability Benefits Claims Modernization Act of 2008".

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

#### TITLE I—MATTERS RELATING TO MODERNIZING THE DISABILITY COMPENSATION SYSTEM OF DEPARTMENT OF VETERANS AFFAIRS

Sec. 101. Office of Survivors Assistance.

Sec. 102. Study on readjustment of schedule for rating disabilities.

Sec. 103. Study on employee work credit system of Veterans Benefits Administration.

Sec. 104. Study on work management system.

Sec. 105. Certification and training of employees of Veterans Benefits Administration responsible for processing claims.

Sec. 106. Annual assessment of quality assurance program.

Sec. 107. Expedited treatment of fully developed claims and requirement for checklist to be provided to individuals submitting incomplete claims.

Sec. 108. Study and report on employing medical professionals to assist employees of Veterans Benefits Administration.

Sec. 109. Assignment of partial disability ratings to qualifying veterans.

Sec. 110. Review and enhancement of use of information technology at Veterans Benefits Administration.

Sec. 111. Treatment of claims upon death of claimant.

**TITLE II—MATTERS RELATING TO UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS**

Sec. 201. Annual reports on workload of United States Court of Appeals for Veterans Claims.

Sec. 202. Modification of jurisdiction and finality of decisions of United States Court of Appeals for Veterans Claims.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) At the end of fiscal year 2007, there were nearly 24,000,000 veterans in America.

(2) According to the latest Annual Report from the Veterans Benefits Administration, there were 3,582,255 veterans and survivors receiving compensation and pension benefits under laws administered by the Secretary of Veterans Affairs at the end of fiscal year 2006.

(3) The number of veterans and survivors at the end of fiscal year 2006 included 2,725,824 veterans receiving service-connected disability benefits, 325,939 survivors receiving service-connected death benefits, 329,856 veterans receiving non-service-connected disability benefits, and 200,636 survivors receiving non-service-connected death benefits.

(4) During fiscal year 2006, almost 250,000 beneficiaries began receiving benefits with 162,805 of these being veterans whose compensation claims were granted.

(5) Since October 7, 2001, the number of claims for new or increased benefits has risen sharply, exceeding 838,000 in 2007.

(6) The Department of Veterans Affairs projects that the number of claims will surpass 1,000,000 by the end of fiscal year 2008.

(7) The number of disability compensation claims pending before the Department stands at nearly 630,000, as of the date of the enactment of this Act, about a quarter of which have been backlogged for over six months.

(8) Processing times have increased from an average of 177 days in 2006 to 183 days in 2007.

(9) The paper-based, labor-intensive process employed by the Department leaves many disabled veterans and survivors waiting months or years to receive the benefits they have earned.

(10) The most prevalent disabilities among veterans that are service-connected are auditory, with almost 840,000 veterans receiving compensation for such a disability, followed by musculoskeletal disabilities and arthritis.

(11) Post-traumatic stress disorder is the sixth most common disability, with more than 269,399 service-connected veterans.

(12) In 2006, the Veterans Health Administration treated 345,713 veterans with post-traumatic stress disorder, which was an increase of 27,099 over 2005.

(13) By January 2008, of the 1,600,000 veterans who served in the Armed Forces after October 7, 2001, the Veterans Health Administration had treated 59,838 for post-traumatic stress disorder.

(14) Disabilities are evaluated in accordance with the Department of Veterans Affairs Schedule for Rating Disabilities (referred to in this section as the "VASRD") under title 38, United States Code of Federal Regulations, part 4.

(15) This schedule was originally created in 1917 and was last comprehensively revised in 1945.

(16) The VASRD contains many outdated and archaic criteria and lacks more commonly accepted medical practices and procedures.

(17) Studies conducted by the Institute of Medicine found it to be an inadequate instru-

ment for compensating disabilities for the average impairments of earning capacity, especially in areas of mental health, unemployability, and for younger and severely injured veterans, and recommended it be revised using more modern medical concepts.

(18) The Department of Veterans Affairs must modernize the claims processing system of the Veterans Benefits Administration to make it a first-class, veteran-centered system that uses 21st century technologies and paradigms and reflects the dignity and sacrifices made by disabled veterans, their families, and survivors.

**TITLE I—MATTERS RELATING TO MODERNIZING THE DISABILITY COMPENSATION SYSTEM OF DEPARTMENT OF VETERANS AFFAIRS**

**SEC. 101. OFFICE OF SURVIVORS ASSISTANCE.**

(a) IN GENERAL.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

**"§ 321. Office of Survivors Assistance**

"(a) ESTABLISHMENT.—The Secretary shall establish in the Veterans Benefits Administration an Office of Survivors Assistance (in this section referred to as the 'Office') to provide direct assistance regarding all benefits and services delivered by the Department—

"(1) to survivors and dependents of all deceased veterans; and

"(2) to survivors and dependents of all deceased members of the Armed Forces.

"(b) DUTIES.—The Office shall—

"(1) be responsible for ensuring that—

"(A) survivors and dependents of deceased veterans and deceased members of the Armed Forces have access to applicable benefits and services under this title;

"(B) programs carried out by the Department under this title for such survivors and dependents are carried out in a manner that is responsive to such survivors and dependents and their unique needs;

"(C) regular and consistent monitoring of benefits delivery occurs;

"(D) appropriate referrals are being made with respect to such survivors and dependents by, to, and within the Veterans Benefits Administration, Veterans Health Administration, and National Cemetery Administration; and

"(E) such survivors and dependents are treated with dignity and respect by personnel of the Department; and

"(2) act as a primary advisor to the Secretary on all matters related to the policies, programs, legislative issues, and other initiatives affecting such survivors and dependents.

"(c) ANNUAL REPORT.—The Secretary shall identify and include the activities of the Office in the annual report to Congress under section 529 of this title.

"(d) GUIDANCE FROM STAKEHOLDERS.—In establishing the Office, the Secretary shall seek guidance from interested stakeholders, including appropriate employees, employee representatives, managers, and appropriate public and private entities, including veteran service organizations and other service organizations.

"(e) RESOURCES.—The Secretary shall ensure that appropriate personnel, funding, and other resources are provided to the Office to carry out its responsibilities."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"321. Office of Survivors Assistance."

**SEC. 102. STUDY ON READJUSTMENT OF SCHEDULE FOR RATING DISABILITIES.**

(a) STUDY ON ADJUSTMENT OF SCHEDULE.—

(1) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on adjusting the schedule for rating disabilities adopted and applied by the Secretary under section 1155 of title 38, United States Code, so as to base the schedule on standards, practices, and codes in common use by the medical, mental health, and disability professions that are current as of the date of the enactment of this Act.

(2) CONTENTS OF STUDY.—In conducting the study under this subsection, the Secretary shall—

(A) determine how the schedule could be adjusted to take into account the loss of quality of life and loss of earnings that result from specific disabilities;

(B) examine the nature of the disabilities for which disability compensation is payable under laws other than laws administered by the Secretary;

(C) examine whether disparities exist between the rating of physical and mental disabilities, especially with respect to how the severity of mental disabilities should be adjudicated to ensure parity with physical disabilities whereby a veteran can be rated totally disabled while maintaining some level of employment;

(D) measure the effect of disabilities on the psychological states, physical integrity, and social adaptability of veterans with such disabilities; and

(E) examine the effect of a veteran's injury or combination of injuries on—

(i) the average loss of the veteran's earnings capacity, including the veteran's inability to work in certain occupations;

(ii) the veteran's quality of life, including activities of independent living, recreational and community activities, and personal relationships, including the inability to participate in favorite activities, social problems related to disfigurement or cognitive difficulties, and the need to spend increased amounts of time performing activities of daily living; and

(iii) the extent to which benefits for veterans may be used to encourage veterans to seek and undergo vocational rehabilitation.

(3) CONSULTATION.—In conducting the study under this subsection, the Secretary shall consult with appropriate public and private entities, agencies, and veterans service organizations, and shall employ consultants.

(4) DEADLINE FOR COMPLETION.—The Secretary shall complete the study required under this subsection by not later than 180 days after the date of the enactment of this Act.

(5) REPORT TO CONGRESS.—Not later than 60 days after completing the study required under this subsection, the Secretary shall submit to Congress a report on the study. The report shall include—

(A) the results of the study on quality of life and the payment of compensation for service-connected disabilities for which the Secretary entered into a contract on January 28, 2008;

(B) the Secretary's findings and conclusions with respect to adjusting the schedule for rating disabilities adopted and applied by the Secretary under section 1155 of title 38, United States Code, to account for the loss of quality of life and loss of earnings that result from specific disabilities;

(C) the Secretary's findings and conclusions with respect to—

(i) the report of the Veterans' Disability Benefits Commission;

(ii) the report of the President's Commission on the Care for America's Returning Wounded Warriors;

(iii) the report of the Institute of Medicine entitled "A 21st Century System for Evaluating Veterans for Disability Benefits"; and

(iv) any other independent or advisory commission report on matters relating to such schedule that the Secretary determines is appropriate;

(D) the Secretary's recommendations with respect to the appropriate disabilities for inclusion in the schedule;

(E) the Secretary's recommendations with respect to the amount of compensation payable to veterans for the loss of quality of life and the basis for such recommendations;

(F) the Secretary's recommendations with respect to the amount of compensation payable to veterans for average loss of earnings capacity and the appropriate standards for determining whether a disability has caused a veteran to incur a loss of earnings capacity;

(G) the Secretary's assessment of the effect of the treatment of mental disabilities under the schedule for rating disabilities, as in effect on the date of the enactment of this Act; and

(H) the Secretary's determination with respect to whether the regulations prescribed pursuant to section 1154 of title 38, United States Code, are consistent with providing, to the maximum extent possible, the benefit of the doubt to veterans covered by that section in the absence of official military records pertaining to the service-connection of a veteran's disability, and in particular, of post-traumatic stress disorder, when a determination of service-connection would be consistent with the duties, conditions, and hardships of service in the Armed Forces.

(b) SUBMISSION OF PLAN.—

(1) PLAN REQUIRED.—Not later than 120 days after the date on which the Secretary submits the report required under subsection (a)(5), the Secretary shall submit to Congress a plan to readjust the schedule for rating disabilities adopted and applied by the Secretary under section 1155 of title 38, United States Code. In developing the plan required under this subsection, the Secretary shall consider the report submitted under subsection (a)(5) and shall provide for the readjustment of such schedule for rating disabilities to—

(A) align the schedule with medical concepts considered best practices as of the date of the enactment of this Act, including those provided in the Current Procedural Terminology Manual, International Classification of Diseases, the Diagnostic and Statistical Manual of Mental Disorders, and applicable American Medical Association Guides;

(B) bridge the gap between the schedule, as in effect on the date of the enactment of this Act, and medical understandings, as of such date, of injuries and diseases and the affects of such injuries and diseases on the ability of a person suffering from them to function;

(C) prioritize such readjustment with respect to post-traumatic stress disorder, other mental disorders, neurological disorders, traumatic brain injury, orthopedic disabilities, and digestive disabilities;

(D) ensure that the schedule is automated in accordance with the review and comprehensive plan of the Secretary under section 110 of this Act; and

(E) ensure that a transition plan is provided to ease the transition from the schedule for rating disabilities, as in effect on the date of the enactment of this Act, to the implementation of the schedule for rating disabilities, as proposed to be readjusted by the plan under this subsection.

(2) TIMELINE FOR READJUSTMENT.—The Secretary shall include in the plan submitted under the subsection a proposed timeline for when the Secretary intends to readjust the schedule. Such proposed timeline may not exceed three years.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such

sums as may be necessary to carry out subsections (a) and (b).

(d) ADVISORY COMMITTEE ON DISABILITY COMPENSATION.—

(1) ESTABLISHMENT.—Subchapter III of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 546. Advisory Committee on Disability Compensation

“(a) ESTABLISHMENT.—(1) There is in the Department the Advisory Committee on Disability Compensation (hereinafter in this section referred to as the ‘Committee’).

“(2) The Committee shall consist of not more than 18 members appointed by the Secretary from among individuals who—

“(A) have demonstrated significant civic or professional achievement; and

“(B) have experience with the provision of disability compensation by the Department or are leading medical or scientific experts in relevant fields.

“(3) The Secretary shall seek to ensure that members appointed to the Committee include individuals from a wide variety of geographic areas and ethnic backgrounds, individuals from veterans service organizations, individuals with combat experience, and women.

“(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed two years. The Secretary may reappoint any member for additional terms of service.

“(b) RESPONSIBILITIES OF COMMITTEE.—(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the maintenance and periodic readjustment of the schedule for rating disabilities under section 1155 of this title.

“(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

“(i) assemble and review relevant information relating to the needs of veterans with disabilities;

“(ii) provide information relating to the nature and character of disabilities arising from service in the Armed Forces;

“(iii) provide an on-going assessment of the effectiveness of the schedule for rating disabilities; and

“(iv) provide on-going advice on the most appropriate means of responding to the needs of veterans relating to disability compensation in the future.

“(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account the needs of veterans who have served in a theater of combat operations.

“(c) ANNUAL REPORT.—(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the payment of disability compensation. Each such report shall include—

“(A) an assessment of the needs of veterans with respect to disability compensation;

“(B) a review of the programs and activities of the Department designed to meet such needs; and

“(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

“(2) Not later than 90 days after the receipt of a report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

“(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

“(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

“(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

“(2) Section 14 of such Act shall not apply to the Committee.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter III the following new item:

“546. Advisory Committee on Disability Compensation.”.

SEC. 103. STUDY ON EMPLOYEE WORK CREDIT SYSTEM OF VETERANS BENEFITS ADMINISTRATION.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on the employee work credit system of the Veterans Benefits Administration of the Department of Veterans Affairs, which is used to measure the work production of employees of the Veterans Benefits Administration.

(b) CONTENTS OF STUDY.—In carrying out the study under subsection (a), the Secretary shall consider the advisability of implementing—

(1) performance standards and accountability measures to ensure that—

(A) claims for benefits under the laws administered by the Secretary are processed in an objective, accurate, consistent, and efficient manner; and

(B) final decisions with respect to such claims are consistent and issued within the average amount of time required to process a claim, as identified by the Secretary in the most recent annual report submitted by the Secretary under section 7734 of title 38, United States Code;

(2) guidelines and procedures for the prompt processing of such claims that are ready to rate upon submission;

(3) guidelines and procedures for the processing of such claims submitted by severely injured and very severely injured veterans, as determined by the Secretary; and

(4) requirements for assessments of claims processing at each regional office for the purpose of producing lessons learned and best practices.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under this section and the progress of the Secretary in implementing the new system for evaluating employees of the Veterans Benefits Administration required under subsection (d).

(d) EVALUATION OF VETERANS BENEFITS ADMINISTRATION EMPLOYEES.—

(1) NEW SYSTEM REQUIRED.—By not later than 180 days after the date on which the Secretary of Veterans Affairs submits to Congress the report required under subsection (d), the Secretary shall establish a new system for evaluating the work production of employees of the Veterans Benefits Administration. Such system shall—

(A) be based on the findings of the study conducted by the Secretary under this section;

(B) focus on evaluating the accuracy and quality of ratings decisions made by such employees; and

(C) not resemble or be based on any concept on which the system in effect as of the date of the enactment of this Act is based.

(2) **SUSPENSION OF AWARD OF WORK CREDITS.**—If the Secretary of Veterans Affairs does not implement the new system for evaluating work production as required under paragraph (1), the Secretary may not award a work credit to any employee of the Veterans Benefits Administration until the Secretary has implemented such system.

#### **SEC. 104. STUDY ON WORK MANAGEMENT SYSTEM.**

(a) **IN GENERAL.**—The Secretary of Veterans Affairs shall conduct a study on the work management system of the Veterans Benefits Administration of the Department of Veterans Affairs, which is designed to improve accountability, quality, and accuracy, and reduce the time for processing claims for benefits under laws administered by the Secretary that are adjudicated by the Veterans Benefits Administration.

(b) **CONTENTS OF STUDY.**—In conducting the study required under subsection (a), the Secretary shall consider—

- (1) accountability for claims adjudication outcomes;
- (2) the quality of claims adjudicated;
- (3) a simplified process to adjudicate claims;
- (4) the maximum use of information technology applications;
- (5) rules-based applications and tools for processing and adjudicating claims efficiently and effectively; and
- (6) methods of reducing the time required to obtain information from outside sources.

(c) **REPORT TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under this section.

#### **SEC. 105. CERTIFICATION AND TRAINING OF EMPLOYEES OF VETERANS BENEFITS ADMINISTRATION RESPONSIBLE FOR PROCESSING CLAIMS.**

(a) **EMPLOYEE CERTIFICATION REQUIRED.**—

(1) **IN GENERAL.**—Subchapter II of chapter 77 of title 38, United States Code, is amended by adding at the end the following new section:

##### **“§ 7735. Employee certification**

“(a) **DEVELOPMENT OF CERTIFICATION EXAMINATION.**—The Secretary shall develop a certification examination for appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for benefits under the laws administered by the Secretary. The Secretary shall develop such examination in consultation with examination development experts, interested stakeholders, including such appropriate employees, employee representatives, and managers, and appropriate public and private entities, including veterans service organizations and other service organizations.

“(b) **EMPLOYEE AND MANAGER REQUIREMENT.**—The Secretary shall require appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for benefits under the laws administered by the Secretary to take a certification examination.

“(c) **LIMITATION.**—The Secretary may not satisfy any requirement of this section through the use of any certification examination or program that exists as of the date of the enactment of the Veterans Disability Benefits Claims Modernization Act of 2008.”.

(2) **DEADLINES FOR IMPLEMENTATION.**—The Secretary of Veterans Affairs shall—

(A) develop the certification examination required to be developed under section 7735 of title 38, United States Code, as added by subsection (a), by not later than one year after the date of the enactment of this Act; and

(B) implement procedures for administering the certification of employees under such section and begin administering the certification examination required under such section by not later than 90 days after the date on which the development of such certification examination is complete.

(3) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter II the following new item:

“7735. Employee certification.”.

(b) **EVALUATION OF TRAINING.**—

(1) **EVALUATION REQUIRED.**—The Secretary of Veterans Affairs shall enter into a contract with a private entity with experience evaluating training processes, continuing education needs, and centralized training requirements, under which that entity shall—

(A) conduct an evaluation of the items required to be included in the annual report of the Secretary under section 7734 of title 38, United States Code, that were included in the last such report submitted before the date of the enactment of this Act, that relate to the training and performance assessment programs of the Department of Veterans Affairs for employees of the Veterans Benefits Administration who are responsible for matters relating to compensation or pension benefits under the laws administered by the Secretary; and

(B) not later than 180 days after the date of the enactment of this Act, submit to the Secretary the results of such evaluation.

(2) **SUBMISSION OF RESULTS TO CONGRESS.**—The Secretary shall include the results of the evaluation required under paragraph (1) with the first annual report required to be submitted to Congress under section 529 of title 38, United States Code, submitted after the date on which the Secretary receives such results.

(3) **REPORT.**—Not later than 180 days after the date on which the Secretary submits the report referred to in paragraph (2), the Secretary shall submit to Congress a report on any actions the Secretary has taken or plans to take in response to the results of the evaluation required under paragraph (1).

#### **SEC. 106. ANNUAL ASSESSMENT OF QUALITY ASSURANCE PROGRAM.**

(a) **ANNUAL ASSESSMENT REQUIRED.**—Section 7731 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) The Secretary shall enter into a contract with an independent third-party entity for the conduct of an annual assessment of the quality assurance program under this section. Each such assessment shall—

“(A) evaluate a statistically valid sample of employees of the Veterans Benefits Administration and a statistically valid sample of the work product of such employees to assess the quality and accuracy of such work product;

“(B) measure the performance of each regional office of the Veterans Benefits Administration;

“(C) measure the accuracy of the disability ratings assigned under the schedule for rating disabilities under section 1155 of this title;

“(D) compare disability ratings and evaluate consistency between regional offices;

“(E) assess the performance of employees and managers of the Veterans Benefits Administration; and

“(F) produce automated categorizable data to help identify trends.

“(2) The Secretary shall use information gathered through the annual assessments required under this section in developing the employee certification required under section 7735 of this title.

“(3) In order to carry out the quality assurance program under this subsection with respect to the administration of disability compensation and to reduce the variances between ratings in the regional offices of the Department, the Secretary shall ensure the accuracy and consistency across different offices within the Department of the treatment of claims for disability compensation, including determinations with respect to disability ratings and whether a disability is service-connected.

“(4)(A) The Secretary shall retain, monitor, and store in an accessible format data described in subparagraph (B), including development of a demographic baseline.

“(B) The data covered by this paragraph includes the following:

“(i) For each claim for disability compensation under laws administered by the Secretary submitted by a claimant—

“(I) the State in which the claimant resided when the claim was submitted;

“(II) the decision of the Secretary with respect to the claim;

“(III) the regional office and individual employee of the Department responsible for evaluating the claim; and

“(IV) the sex and race of the claimant.

“(ii) The State of the claimant's residence.

“(iii) Such other data as the Secretary determines is appropriate for monitoring the accuracy and consistency of decisions with respect to such claims.

“(5) Nothing in this subsection shall require the Secretary to replace the quality assurance program under this section, as in effect on the date of the enactment of the Veterans Disability Benefits Claims Modernization Act of 2008.”.

(b) **REPORT TO CONGRESS.**—Section 7734 of such title is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

“(3) the results and findings of the most recent annual assessment conducted under section 7731(c) of this title; and”.

#### **SEC. 107. EXPEDITED TREATMENT OF FULLY DEVELOPED CLAIMS AND REQUIREMENT FOR CHECKLIST TO BE PROVIDED TO INDIVIDUALS SUBMITTING INCOMPLETE CLAIMS.**

(a) **EXPEDITED TREATMENT OF FULLY DEVELOPED CLAIMS.**—

(1) **IN GENERAL.**—Subchapter I of chapter 51 of title 38, United States Code, is amended by adding at the end the following new section:

##### **“§ 5109C. Expedited treatment of fully developed claims**

“(a) **EXPEDITED TREATMENT REQUIRED.**—The Secretary shall take such actions as may be necessary to provide for the expeditious treatment by the appropriate regional office of the Veterans Benefits Administration of any fully developed claim to ensure that any such claim is adjudicated not later than 90 days after the date on which the claim is submitted.

“(b) **NOTICE OF REQUIRED INFORMATION AND EVIDENCE.**—Nothing in this section shall affect the responsibility of the Secretary to provide notice under section 5103 to a claimant and a claimant's representative of required information and evidence that is necessary to substantiate a fully developed claim.

“(c) **FULLY DEVELOPED CLAIM DEFINED.**—For purposes of this section, the term ‘fully developed claim’ means a claim for a benefit under a law administered by the Secretary—

“(1) for which the claimant—

“(A) received assistance from a veterans service officer, a State or county veterans service officer, an agent, or an attorney; or

“(B) submits along with the claim an appropriate indication that the claimant does not intend to submit any additional information in support of the claim and does not require additional assistance with respect to the claim; and

“(2) for which the claimant submits a certification in writing that is signed by the claimant stating that at the time of signature, no additional information is available or needs to be submitted in order for the claim to be adjudicated.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter I the following new item:

“5109C. Expedited treatment of fully developed claims.”.

(3) DEADLINES FOR IMPLEMENTATION.—By not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a process for expediting claims under section 5109C of title 38, United States Code, as added by paragraph (1).

(b) PROVISION OF CHECKLIST TO INDIVIDUALS SUBMITTING INCOMPLETE CLAIMS.—

(1) CHECKLIST.—Section 5103 of title 38, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

“(b) PROVISION OF CHECKLIST.—In providing notice of required information and evidence to a claimant and a claimant’s representative, if any, under subsection (a), the Secretary shall provide to the claimant and any such representative a checklist that includes a detailed description of information or evidence required to be submitted by the claimant to substantiate the claim.”.

(2) EFFECTIVE DATE.—Subsection (b) of section 5103 of title 38, United States Code, as added by paragraph (1) shall apply with respect to notice provided after the date that is one year after the date of the enactment of this Act.

(3) DEADLINE FOR CREATION OF CHECKLIST.—By not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall create the checklist required under such subsection, as so added.

(4) SUBMITTAL TO CONGRESS.—Not later than 60 days after the Secretary creates the checklist required by such subsection, as so added, the Secretary shall submit to Congress the checklist.

#### SEC. 108. STUDY AND REPORT ON EMPLOYING MEDICAL PROFESSIONALS TO ASSIST EMPLOYEES OF VETERANS BENEFITS ADMINISTRATION.

(a) STUDY.—The Secretary of Veterans Affairs shall conduct a study to evaluate the need of the Veterans Benefits Administration of the Department of Veterans Affairs to employ, in addition to medical professionals of the Veterans Health Administration, including medical professionals who are not physicians, to act as a medical reference for employees of the Administration so that such employees may accurately assess medical evidence submitted in support of claims for benefits under laws administered by the Secretary. In no case shall any such medical professional be employed to rate any disability or evaluate any claim. In conducting the study, the Secretary shall conduct statistically significant surveys of employees of the Administration to ascertain whether, how, and to what degree medical professionals could provide assistance to such employees.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subsection (a).

(c) ACCESS TO MEDICAL PROFESSIONALS.—If the Secretary hires medical professionals pursuant to the study conducted under this section, the Secretary shall ensure that employees employed by all regional offices of the Veterans Benefits Administration have access to such medical professionals.

#### SEC. 109. ASSIGNMENT OF PARTIAL DISABILITY RATINGS TO QUALIFYING VETERANS.

(a) IN GENERAL.—Chapter 11 of title 38, United States Code, is amended by inserting after section 1155 the following new section:

##### “§ 1156. Partial disability ratings

“(a) ASSIGNMENT OF PARTIAL RATINGS.—For the purpose of providing disability compensation under this chapter to a qualifying veteran, the Secretary shall assign a partial disability rating to the veteran as follows:

“(1) In the case of a qualifying veteran described in subsection (b)(3)(A), a rating of 100 percent.

“(2) In the case of a qualifying veteran described in subsection (b)(3)(B), a rating of 50 percent.

“(b) QUALIFYING VETERAN.—For the purposes of this section, a qualifying veteran is a veteran—

“(1) who has been discharged from active duty service for 365 days or less;

“(2) for whom a permanent disability rating is not immediately assignable under the regular provisions of the schedule for rating disabilities under section 1155 of this title or on the basis of individual unemployability; and

“(3) who has—

“(A) a severe disability for whom substantially gainful employment is not feasible or advisable; or

“(B) a wound or injury, whether healed, unhealed or incompletely healed for whom material impairment of employability is likely.

“(c) EXAMINATIONS.—A medical examination of a qualifying veteran is not required to be performed before assigning a partial disability rating to the veteran under this section, but the fact that such an examination is conducted shall not prevent the Secretary from assigning such a rating.

“(d) TERMINATION OF PARTIAL RATING.—(1) Except as provided in paragraph (2), a partial disability rating assigned to a veteran under this section shall remain in effect until the earlier of the following dates:

“(A) The date on which the veteran receives a permanent disability rating based on the schedule for rating disabilities under section 1155 of this title.

“(B) The date that is 365 days after the date of the veteran’s last separation or release from active duty.

“(2) The Secretary may extend a partial disability rating assigned to a veteran under this section beyond the applicable termination date under paragraph (1), if the Secretary determines that such an extension is appropriate.”.

(b) EFFECTIVE DATE.—Section 1156 of title 38, United States Code, as added by paragraph (1), shall take effect on the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1155 the following new item:

“1156. Partial disability ratings.”.

#### SEC. 110. REVIEW AND ENHANCEMENT OF USE OF INFORMATION TECHNOLOGY AT VETERANS BENEFITS ADMINISTRATION.

(a) REVIEW AND COMPREHENSIVE PLAN.—By not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall conduct a review of the use of information technology at the Vet-

erans Benefits Administration and develop a comprehensive plan for the use of such technology in processing claims for benefits under laws administered by the Secretary of Veterans Affairs that would reduce subjectivity, avoidable remands, and regional office variances in disability ratings.

(b) INFORMATION TECHNOLOGY.—The plan developed under subsection (a) shall include—

(1) the use of rules-based processing and information technology systems and automated decision support software at all levels of processing claims;

(2) the enhancement of the use of information technology for all aspects of the claims process;

(3) a technological platform that allows for the use of information that members of the Armed Forces, veterans, and dependents have submitted electronically, including uploaded military records, medical evidence, and other appropriate documentation, and the capability to view applications for benefits submitted online;

(4) the use of electronic examination templates in conjunction with the schedule for rating disabilities under section 1155 of title 38, United States Code;

(5) making such changes as may be required to the information technology system of the Department so as to ensure that users of such system are able to access the service medical records of the Department of Defense by not later than one year after the date on which the plan is implemented;

(6) the provision of bi-directional access to medical records and service records between the Department of Veterans Affairs and the Department of Defense; and

(7) the availability, on the Internet website of the Department, of a mechanism that can be used by a claimant to check on the status of any claim submitted by that claimant and that provides information on—

(A) whether a decision has been reached with respect to such a claim, notice of the decision; or

(B) if no such decision has been reached, notice of—

(i) whether the application submitted by the claimant is complete;

(ii) whether the Secretary requires additional information or evidence to process the claim;

(iii) the estimated date on which a decision with respect to the claim is expected to be made; and

(iv) the stage at which the claim is being processed as of the date on which such status is checked.

(c) REVIEW OF BEST PRACTICES AND LESSONS LEARNED.—In carrying out this section, the Secretary shall review best practices and lessons learned within the Department of Veterans Affairs and the use of the technology known as “Vista” by other Government entities and private sector organizations who employ information technology and automated decision support software.

(d) REDUCTION OF CLAIMS PROCESSING TIME.—In carrying out this section, the Secretary shall ensure that a plan is developed that, within three years of implementation, would reduce the processing time for each claim processed by the Veterans Benefits Administration to not longer than the average amount of time to required to process a claim, as identified by the Secretary in the most recent annual report submitted by the Secretary under section 7734 of title 38, United States Code.

(e) CONSULTATION.—In carrying out this section, the Secretary of Veterans Affairs shall consult with information technology designers at the Veterans Health Administration, Vista managers, the Secretary of Defense, appropriate officials of other Government agencies, appropriate individuals in

the private and public sectors, veterans service organizations, and other relevant service organizations.

(f) REPORT TO CONGRESS.—By not later than January 1, 2009, the Secretary shall submit to Congress a report on the review and comprehensive plan required under this section.

#### SEC. 111. TREATMENT OF CLAIMS UPON DEATH OF CLAIMANT.

(a) TREATMENT OF BENEFICIARY OF VETERAN'S ACCRUED BENEFITS AS CLAIMANT FOR PURPOSES OF INCOMPLETE CLAIMS UPON DEATH OF VETERAN.—Chapter 51 of title 38, United States Code, is amended by inserting after section 5121 the following new section:

##### “§ 5121A. Substitution in case of death of claimant

“(a) SUBSTITUTION.—If a veteran who is a claimant dies while a claim for any benefit under a law administered by the Secretary, or an appeal of a decision with respect to such a claim, is pending and awaiting adjudication, the person who would receive any accrued benefits due to the veteran under section 5121(a)(2) of this title shall be treated as the claimant for the purposes of processing the claim to completion, except that such person may only submit new evidence in support of the claim during the one-year period beginning on the date of the death of the veteran.

“(b) LIMITATION.—Only one person may be treated as the claimant under subsection (a).

“(c) DESIGNATION OF THIRD PARTY.—If the person who would be eligible to be treated as the claimant under subsection (a) certifies to the Secretary that the person does not want to be treated as the claimant for such purposes, such person may designate the person who would receive the benefits under section 5121(a)(2) upon the death of the person who would otherwise be treated as the claimant under subsection (a) to be treated as the claimant for the purposes of processing the claim to completion.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5121 the following new item:

“5121A. Death of claimant.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the claim of any veteran who dies on or after the date of the enactment of this Act.

#### TITLE II—MATTERS RELATING TO UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

##### SEC. 201. ANNUAL REPORTS ON WORKLOAD OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Subchapter III of chapter 72 of title 38, United States Code, is amended by adding at the end the following new section:

##### “§ 7288. Annual report

“The chief judge of the Court shall annually submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report summarizing the workload of the Court during the last fiscal year that ended before the submission of such report. Such report shall include, with respect to such fiscal year, the following information:

- “(1) The number of appeals filed.
- “(2) The number of petitions filed.
- “(3) The number of applications filed under section 2412 of title 28.
- “(4) The number and type of dispositions, including settlements.
- “(5) The median time from filing to disposition.
- “(6) The number of oral arguments.
- “(7) The number and status of pending appeals and petitions and of applications described in paragraph (3).

“(8) A summary of any service performed by recalled retired judges during the fiscal year.

“(9) The number of decisions or dispositions rendered by a single judge, multi-judge panels and the full Court.

“(10) The number of cases pending longer than 18 months.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 7287 the following new item:

“7288. Annual report.”.

##### SEC. 202. MODIFICATION OF JURISDICTION AND FINALITY OF DECISIONS OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) MODIFICATION.—Section 7252(a) of title 38, United States Code, is amended—

- (1) by striking the third sentence; and
- (2) by adding at the end the following new sentence: “The Court shall have power to affirm, modify, reverse, remand, or vacate and remand a decision of the Board after deciding all relevant assignments of error raised by an appellant for each particular claim for benefits. In a case in which the Court reverses a decision on the merits of a particular claim and orders an award of benefits, the Court need not decide any additional assignments of error with respect to that claim.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a decision of the Board of Veterans' Appeals made on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, this bill comes to us from the chairman of our Disability Assistance and Memorial Affairs Subcommittee, a very active, committed, new Member, Mr. HALL from New York, and I would yield to him as much time as he may consume.

Mr. HALL of New York. Thank you, Chairman FILNER.

While we celebrated Independence Day this month, many Americans were unaware that immediately after the Continental Congress signed the Declaration of Independence, it ratified the Military Pension Law of 1776 thereby creating the first Federal disability compensation program.

There should be no doubt that the United States has a proud tradition of providing benefits and services to our current population of 24 million veterans, more than 2.7 million of whom receive compensation from the Department of Veterans Affairs, a department full of committed, well-intended, and skilled people who nonetheless are struggling with our current situation. The VA is in dire need of change, and it is time to modernize the disability claims system.

I would like to thank Representatives JOE DONNELLY of Indiana, PHIL HARE of Illinois, ZACK SPACE of Ohio, and JERRY MCNERNEY of California and subcommittee Ranking Member DOUG LAMBORN of Colorado for contributing to this bill. They, too, have recognized the problems in a system that had a

backlog of more than 838,000 claims in 2007, and that unbelievable backlog is projected to surpass 1 million claims in 2009.

This escalating backlog means that far too many veterans and survivors wait for months, years, or decades for their claims to be adjudicated. This is a national disgrace and violates our contract with every person who serves in our Armed Forces.

In my own district, I see time and again the tragic human toll of these egregious delays. A World War II Navy veteran from Westchester County, Ken MacDonald, tried since 1947 to receive compensation for injuries he suffered not once, but twice on ships that were sunk out from under him. Only last year, 60 years later, with the help of our office, was his claim approved. He received over \$100,000 in back pay and a pension for the rest of his life—but think of the decades he suffered, the opportunities he lost.

We have thousands of veterans coming home injured from Iraq and Afghanistan. We have Vietnam veterans whose claims have never been fully resolved. It is a disgrace for our Nation to allow them to suffer and face financial hardship and health care problems when the VA should process and accept their legitimate claims promptly.

Families suffer also. In June, a news story broke of Wayne Kirtley, a 54-year-old veteran who was misdiagnosed twice by the VA, resulting in his premature death. When he filed a claim against the VA, it was denied. Eight months later, the veteran died while his appeal was pending. Under current law, the claim dies with the veteran. Kirtley was worried about his wife, Helen, and wanted to ensure that she would be taken care of with VA benefits. But that has not yet happened. H.R. 5892 would allow Helen to continue her husband's claim with the VA and submit additional evidence which she currently cannot do.

Recent commissions and task forces, the Veterans' Disability Benefits Commission, the Commission on the Care for America's Returning Wounded Warriors, and the Government Accountability Office have documented problems at the VBA. Over the last 18 months, my subcommittee has held extensive hearings in Washington and in Goshen, New York, to hear the testimony of veterans themselves and of the Veterans Service Organizations.

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I have incorporated many of their suggestions into H.R. 5892. The bill proposes to overhaul the VA disability benefit system so that veterans and survivors can receive the benefits they have earned easily and quickly. Here is what the bill will change:

In today's VA, a veteran's claim is often held up until every medical condition is evaluated, the average wait being over 6 months. Under this bill, a severe, undisputed injury, such as a lost leg or arm, will be compensated



immediately. Lesser injuries that take more time to evaluate will be handled separately. Today's VA claims processing system is labor-intensive and paper-based with the loss of paper files being a major cause of delays. This bill brings the VA into the 21st century by requiring the use of modern information technology.

The VA also relies on outdated medical concepts and on an archaic rating schedule. This bill updates the definitions of diseases and disorders to bring them in line with current medical knowledge, and it takes a comprehensive approach to disability ratings, including factors such as the loss of quality of life and of future earnings capacity.

It is hard to believe, but today, when a veteran dies while his or her claim is being considered, the surviving wife or child has to start all over again at square one even if that claim has been stuck in the backlog for years. This bill allows the spouse or child to step into the shoes of the veteran while the claim continues, saving them months or years of frustration and of waiting.

This bill recognizes the rights and needs of family members by establishing a new unit called the Survivors Office. The VA has always proclaimed as part of its mission caring for the widows and for the orphans of veterans, but it has never had an office specifically focused on them.

Finally, another title of the bill deals with the United States Court of Appeals for veterans' claims. My hope is that we can eliminate the hamster wheel effect that bounces veterans back and forth between different levels of the appeals process, reducing today's unacceptable backlog of cases.

A nimble, quick, responsive VA claims system could go a long way to helping our Nation live up to its commitment to care for wounded veterans and their families. It could help prevent suicides, bankruptcies, poverty, family disruptions, and homelessness among our Nation's disabled veterans.

We can and must change the way Washington handles the claims of our injured veterans. We must give them easier access to the benefits they have earned and end forever the adversarial, inefficient and frustrating claims process they are now forced to endure. I believe H.R. 5892 puts the VA on a new course for the 21st century, giving them the resources and new approaches to make better, faster decisions, to achieve more accurate ratings and to treat all veterans and their families fairly and with respect. I urge all of your support.

Mr. LAMBORN. Mr. Speaker, I, too, rise in support of H.R. 5892, as amended, the Veterans Disability Benefits Claims Modernization Act of 2008, to direct the Secretary of Veterans Affairs to modernize the VA disability benefits claims processing system and to ensure the accurate and timely delivery of compensation to veterans and their families.

I commend my colleague from New York, Subcommittee Chairman JOHN HALL, for introducing this comprehensive bill, which has been a culmination of thought and of a great deal of cooperative effort to make substantial improvements to the veterans' benefits claims process. I appreciate the bipartisan manner in which we have worked together to bring this bill to the floor.

Not long ago, the VA's health care system was in such a poor state that it was derided in movies like *Born on the Fourth of July*. Now the VA's state-of-the-art medical care is cited in top medical journals and in a number of other respected publications. I believe the VA can make similar progress on the benefits side of the department.

This bipartisan bill is intended to improve benefits claims processing so that our veterans receive their benefits with the speed and accuracy that they deserve. It is comprised of a number of measures that have as their foundation the collective recommendations of Democrats, Republicans, veterans' service organizations, and two blue ribbon commissions on veterans' benefits.

These recommendations include the utilization of information technology, a quality and training assessment program for the certification of each VA claims processor, a study of a new rating schedule that reflects the loss of quality of life and the loss of earnings.

The VA rating schedule now is a complex set of regulations used to determine the appropriate level of compensation for veterans' disabilities. We must ensure that the rating schedule compensates veterans for both the loss of earnings and for the loss of quality of life. The schedule must also be reflective of the contemporary job market to ensure parity in disability ratings.

While the VA has made adjustments over the course of many decades, it is still obviously important that Congress continues to work with VA and with its stakeholders to ensure that the rating schedule is as accurate and is as up to date as possible.

In addition, H.R. 5892 will allow an eligible dependent to substitute for a claimant who passes away while a disability claim is pending rather than to begin the claims process all over again. This provision was taken from H.R. 3047, a bill that I introduced, and I'm glad to see it included in this bill.

By supporting H.R. 5892, we will initiate steps to ensure that VA benefits and services are of unsurpassed value to veterans. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I would yield 3 minutes to the gentleman from Illinois (Mr. HARE).

Mr. HARE. Thank you, Mr. Chairman.

Mr. Speaker, I rise in strong support of H.R. 5892, the Veterans Disability Benefits Claims Modernization Act of 2008, and I commend Chairman HALL for his tireless work on this issue.

The disability backlog of more than 800,000 claims in the VA is a moral black eye for our country. We made a promise to those who served in uniform, and we have failed to keep that promise. The legislation before us today takes a critical step in restoring that promise. This bill is a comprehensive approach to fixing the flaws that exist in claims decisions and in the structure at the Veterans Benefits Administration, the VBA.

The largest factors contributing to the claims backlogs are the broken culture and processes at the VA. There is a lack of accountability on raters, poor quality assurance measures, a broken work credit system, virtually no training for the VBA personnel, and an outdated information technology system.

H.R. 5892 squarely addresses these problems by creating a more accountable and accurate system that rewards raters for the quality of their work, and it holds them accountable for their mistakes, ensuring that claims are processed correctly the very first time.

I want to thank Chairman HALL for working with me to include specific language on mental health in the study of the readjustment schedule. Of those veterans from Iraq and Afghanistan who have accessed VA care, 40 percent have sought mental health care. It is critical that any study on the rating schedule takes a good look at mental health conditions to ensure that those veterans receive fair compensation.

I am disappointed that we had to remove the original section 101 language from H.R. 5892, which provided a service connection presumption for post-traumatic stress disorder by clearly defining who was considered a "combat veteran." The provision decreased the burden of proof for combat veterans, increasing their access to disability benefits.

I appreciate Mr. HALL's efforts to address this issue in separate legislation, and I look forward to working with him to ensure that it becomes law.

H.R. 5892 is a strong piece of legislation that will improve the way veterans' claims are processed. Again, I view this as a work in progress, and I look forward to continuing efforts until the backlog goes from 800,000 to zero.

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

Mr. FILNER. Mr. Speaker, I would yield 2 minutes to our new Member from Indiana (Mr. DONNELLY), another very active and committed member who is concerned about our veterans in America.

Mr. DONNELLY. I want to thank the chairman for his work, and I want to thank Chairman HALL as well.

Mr. Speaker, H.R. 5892 helps seriously disabled veterans receive immediate disability benefits for an injury where combat connectedness and severity is not in question. These veterans should receive their disability benefits as soon as possible to add to other benefits and payments that they may be getting.

When a disabled servicemember comes home to a family and to bills, every little bit helps. The VA has the authority to provide immediate temporary benefits to a severely injured servicemember until a claim is processed. However, we are concerned that they do not use this authority as often as possible. We want to make the VA's application of this authority mandatory. Under this bill, if you qualify for temporary benefits, you automatically will get these benefits instead of waiting for the VA to act.

Mr. Speaker, America's veterans have fought and have sacrificed for our Nation, and we owe them our greatest efforts to enable them to receive their disability benefits in a timely fashion.

My colleague Mr. HARE mentioned about the 800,000 claim backlog. He and I and all Members of this body want to see that go to zero. We will continue that work, and I urge all of my colleagues to support this legislation today.

Mr. FILNER. I have no further speakers.

Let me just say in conclusion, Mr. Speaker, that I think it's safe to say that for every single Member of this House, when they have town meetings with veterans, the single biggest complaint is the disability claims system. They've been waiting months, years even—decades—for decisions. This is an insult to their service. We have a long way to go in changing that. This bill is a big step toward erasing that incredible backlog. This situation is the biggest single factor that leads veterans to think that "VA" means veterans' adversary instead of veterans' advocate. So we have to change it. It is going to be changed as rapidly as we can, and I encourage all Members to support this bill.

#### GENERAL LEAVE

Mr. FILNER. I would ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5892, as amended.

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

There was no objection.

Mr. FILNER. Mr. Speaker, we are at the conclusion of a set of eight pieces of legislation that will each one improve the quality of life for our Nation's veterans. Each one is a step forward to recognizing their service. We have thanked all the Members for working on this.

I want to thank the staff on both sides of the aisle. When you have a collection of bills like this, it takes a lot of time, especially on a weekend, unfortunately, for them. So we thank all the staff—Republican and Democrat—for getting all of the reports and all of the work done for today's bills, which really contribute to the well-being of our veterans.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 5892, as amended, the Veterans Dis-

ability Benefits Claims Modernization Act of 2008, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the VA disability benefits claims processing system, to help ensure the accurate and timely delivery of compensation to veterans and their families.

I commend the leaders of the Subcommittee on Disability Assistance and Memorial Affairs, Chairman JOHN HALL and Ranking Member DOUG LAMBORN, for introducing and developing this comprehensive bill. Their bipartisan efforts will help make substantial improvements to the veterans' benefits claims process.

Department of Veterans Affairs (VA) disability compensation payments fulfill our Nation's primary obligation to make up for the economic losses and losses of quality of life that result from service connected injuries. In recent years, VA has required increasingly longer periods to process the thousands of claims it receives each year. This has resulted in a backlog of benefits claims that VA has been struggling to overcome.

This bipartisan bill is intended to improve benefits claims processing so that our veterans receive their benefits with the speed and accuracy that they deserve. It is comprised of a number of recommendations for improvement that originated in other bills. Such recommendations include: better utilization of information technology, a quality and training assessment program for the certification of each VA claims processor, and a study of a new rating schedule to help ensure that the VA rating schedule, which consists of a complex set of regulations used to determine the appropriate level of compensation for veterans' disabilities, adequately compensates veterans for both loss of earnings and loss of quality of life.

Our veterans, who have sacrificed so much for the freedoms we cherish, must be assured that the compensation they receive for disabilities is based on information that is both credible and fair.

By supporting H.R. 5892, we will initiate steps to ensure that VA benefits and services are of unsurpassed value to veterans.

I urge my colleagues to support the bill.

Mr. FILNER. I would yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5892, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAMBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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.

The point of no quorum is considered withdrawn.

#### SUPPORTING THE GOALS AND IDEALS OF NATIONAL CAMPUS SAFETY AWARENESS MONTH

Mr. HARE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1288) supporting the goals and ideals of National Campus Safety Awareness Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1288

Whereas college and university campuses are not immune from the crime problems that face the rest of society in the United States;

Whereas a total of 37 homicides, 8,112 forcible-sex offenses, 8,923 aggravated assaults, and 3,071 cases of arson were reported on college and university campuses from 2004 to 2006, in accordance with the reporting requirements under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. 1092(f); Public Law 89-329);

Whereas criminal experts estimate that between 1/3 and 1/4 of female students become the victim of a completed or attempted rape, usually by someone they know, during their college careers, but fewer than 5 percent report the assault to law enforcement;

Whereas each year, 13 percent of female students enrolled in an undergraduate program at a college or university will be victims of stalking;

Whereas 1,700 college and university students between the ages of 18 and 24 die each year from unintentional alcohol-related injuries, including motor vehicle accidents;

Whereas Security On Campus, Inc. (hereinafter referred to as "SOC"), a national nonprofit group dedicated to promoting safety and security on college and university campuses, has designated September as National Campus Safety Awareness Month;

Whereas each September since 2005, SOC has partnered with colleges and universities across the United States to offer National Campus Safety Awareness Month educational programming on sexual assault, alcohol and other drug abuse, hazing, stalking, and other critical campus safety issues; and

Whereas National Campus Safety Awareness Month provides an opportunity for entire campus communities to become engaged in efforts to improve campus safety: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of National Campus Safety Awareness Month; and

(2) encourages colleges and universities throughout the United States to provide campus safety and other crime awareness and prevention programs to all students throughout the year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HARE) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

#### GENERAL LEAVE

Mr. HARE. Mr. Speaker, I request 5 legislative days in which Members may revise and extend their remarks and insert extraneous material on H. Res. 1288 into the RECORD.

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