

Mr. HECK of Nevada. Mr. Speaker, I want to thank my brother veteran, the gentleman from Arkansas (Mr. COTTON), and my friend from the State of Delaware (Mr. CARNEY) for joining me in support of H.R. 1742, this bipartisan bill, the Vulnerable Veterans Housing Reform Act of 2013.

As has been stated, this bill would remove an unnecessary barrier that prevents our wartime veterans from receiving the housing assistance they so critically need. This body recognized the importance of this issue when it unanimously passed a substantially similar bill, H.R. 6361, the Vulnerable Veterans Housing Reform Act of 2012, which I introduced last year. Unfortunately, that legislation was not considered by the Senate prior to the conclusion of the 112th Congress.

Quite simply, H.R. 1742 prevents the Department of Housing and Urban Development from considering a veteran's "aid and attendance benefits" as income when calculating their need and eligibility for housing assistance.

The aid and attendance benefit is an enhanced pension provided by the Department of Veterans Affairs to our Nation's wartime veterans who are severely disabled and have little or no income. Veterans eligible for this benefit are those requiring the aid of another person in order to perform their activities of daily living.

In order to receive this benefit, a veteran must first establish his or her eligibility for a low-income pension, which requires an annual adjusted gross income of less than \$12,256 for a single veteran with no dependents.

Once eligibility is determined, low-income disabled veterans can receive, roughly, an additional \$8,000 in aid and attendance benefits annually to help defray the cost of their medical care. This is an important point: the aid and attendance benefit is for medical care; it is not discretionary income; it cannot be used for groceries, utilities, or transportation.

As you can imagine, these low-income veterans struggle daily to keep the lights on, put food on the table, and to keep a roof over their heads. Add to that the costs of paying for a personal care attendant and it becomes increasingly difficult for them to stay in their homes.

The Department of Housing and Urban Development operates a number of programs to assist these veterans. However, current regulations require that the aid and attendance benefit be counted as income when determining eligibility for housing assistance.

Mr. Speaker, this makes no sense. The VA provides this benefit to ensure that our low-income disabled wartime vets have the necessary resources to receive the medical care they need and that they have earned. While \$8,000 per year may seem like a substantial amount of money, it doesn't fully cover the cost of a full-time aide, but it is much more cost effective than placing the veteran in a nursing home or assisted living facility.

Continuing to count the aid and attendance benefit as income does nothing more than to reduce the housing assistance available to our low-income disabled vets and jeopardizes their ability to live independently.

Mr. Speaker, it is its stated goal of both this House and this administration to reduce homelessness in our veteran population. The need for this legislative fix is just as strong today as it was last year. Most recent statistics estimate that approximately 63,000 veterans across America are homeless. Mr. Speaker, H.R. 1742 will go a long way toward preventing homelessness for our Nation's veterans.

I urge my colleagues to support this critical legislation.

Mr. CARNEY. Mr. Speaker, I have no further requests for time. I just would like to thank the sponsors, Mr. HECK, Mr. RENACCI, and other veterans, Mr. COTTON, the Members from the Democratic side who cosponsored this, and all the Members of the House who supported this the last time.

I yield back the balance of my time.

Mr. COTTON. Mr. Speaker, I want to thank the gentleman from Delaware, as well as the gentleman from Nevada, and everybody in this institution that helps serve our veterans every single day.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. COTTON) that the House suspend the rules and pass the bill, H.R. 1742.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1630

ESTABLISHING COMMISSION OR TASK FORCE TO EVALUATE THE BACKLOG OF DISABILITY CLAIMS

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2189) to establish a commission or task force to evaluate the backlog of disability claims of the Department of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2189

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

Sec. 2. Scoring of budgetary effects.

TITLE I—IMPROVEMENT OF CLAIMS PROCESSING

Sec. 101. Evaluation of backlog of disability claims and appeals of claims of Department of Veterans Affairs.

- Sec. 102. Supplemental reports to the Strategic Plan to Eliminate the Compensation Claims Backlog.
- Sec. 103. Expedition of transfer of certain records.
- Sec. 104. Claims processors training.
- Sec. 105. Report by Comptroller General of the United States.
- Sec. 106. Priority for processing claims of the Department of Veterans Affairs.
- Sec. 107. Public availability of certain information about pending and completed claims for compensation under the laws administered by the Secretary of Veterans Affairs.
- Sec. 108. Annual report on processing of claims.
- Sec. 109. Department of Veterans Affairs notice of average times for processing claims and percentage of claims approved.
- Sec. 110. Claim defined.

TITLE II—COMPENSATION AND PENSIONS

- Sec. 201. Improvements to authority for performance of medical disabilities examinations by contract physicians.
- Sec. 202. Consideration by Secretary of Veterans Affairs of resources disposed of for less than fair market value by individuals applying for pension.
- Sec. 203. Bifurcated payments of compensation benefits under laws administered by the Secretary of Veterans Affairs.
- Sec. 204. Pension for certain veterans covered by Medicaid plans for services furnished by nursing facilities.

TITLE III—OTHER MATTERS

- Sec. 301. Review of operation of certain ships during the Vietnam Era.
- Sec. 302. Methods for validating certain service considered to be active service by the Secretary of Veterans Affairs.
- Sec. 303. Designation of American World War II Cities.
- Sec. 304. Observance of Veterans Day.

SEC. 2. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—IMPROVEMENT OF CLAIMS PROCESSING

SEC. 101. EVALUATION OF BACKLOG OF DISABILITY CLAIMS AND APPEALS OF CLAIMS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—There is established a commission or task force to evaluate the backlog of claims within the Department of Veterans Affairs and the appeals process of claims.

(b) STUDIES.—

(1) BACKLOG STUDY.—

(A) IN GENERAL.—The Commission or Task Force, acting through the subcommittee described in subsection (d)(2)(A), shall carry out a study on the backlog of claims, including the current process the Secretary of Veterans Affairs uses to evaluate claims and appeals and the laws and regulations applicable to such claims and appeals. Such study shall be a comprehensive evaluation and assessment of the backlog of claims, an analysis of

possible improvements to the procedures used to process such claims, and any related issues that the Commission or Task Force considers relevant.

(B) MATTERS INCLUDED.—In carrying out the study under subparagraph (A), the Commission or Task Force shall examine the following:

(i) The backlog of claims, including an analysis of—

(I) the most effective means to quickly and accurately resolve all claims pending as of the date of the study; and

(II) with respect to the Department, the annual funding, number of full-time employees, workload management practices, and the progress, as of the date of the study, of the strategic plan.

(ii) Possible improvements to the claims process, including an evaluation and recommendations with respect to whether substantive and structural changes to the overall claims process are required.

(iii) In carrying out the evaluation and recommendations under subparagraph (B), an examination of—

(I) options that make no major substantive changes to the claims process;

(II) options that maintain the process but make minor changes; and

(III) options that make broad changes to the process.

(2) APPEALS PROCESS STUDY.—

(A) IN GENERAL.—The Commission or Task Force, acting through the subcommittee described in subsection (d)(2)(B), shall carry out a study on the anticipated increase of appeals of claims, including the current appeals process and the laws and regulations applicable to such appeals. Such study shall be a comprehensive evaluation and assessment of such anticipated increase of appeals claims, an analysis of possible improvements to the procedures used to process such appeals, and any related issues that the Commission or Task Force considers relevant.

(B) MATTERS INCLUDED.—In carrying out the study under subparagraph (A), the Commission or Task Force shall examine the following:

(i) The anticipated surge in appeals of claims, including an analysis of—

(I) the most effective means to quickly and accurately resolve pending appeals and future appeals;

(II) with respect to both the Board and the Court of Appeals for Veterans Claims, the annual funding, number of full-time employees, workload management practices, and the progress, as of the date of the study, of the strategic plan; and

(III) the efficiency, effectiveness, and utility of the Veterans Benefits Management System with respect to appeals operations, including an identification of key changes that may need to be implemented to such system.

(ii) Possible improvements to the appeals process, including an evaluation and recommendations with respect to whether substantive and structural changes to the overall appeals process are required.

(iii) In carrying out the evaluation and recommendations under clause (ii), an examination of—

(I) options that make no major substantive changes to the appeals process;

(II) options that maintain the process but make minor changes;

(III) options that make broad changes to the process;

(IV) the necessity of the multi-tiered levels of appeals at the regional office level, including filing a notice of disagreement, receipt of a statement of the case, supplemental statement of the case (if applicable), and substantive appeal (VA Form 9);

(V) the role of the Board and the Appeals Management Center, including—

(aa) the effectiveness of the workload management of the Board and the Center;

(bb) whether the Board and Center should be regionalized or maintain the centralized structure in the District of Columbia;

(cc) whether Board members should be required to pass the administrative law judges certification examination; and

(dd) whether the Board should continue to require de novo review of appeals; and

(VI) the role of the Court of Appeals for Veterans Claims and the United States Court of Appeals for the Federal Circuit, including—

(aa) the continued effectiveness and necessity of a multi-tiered structure of judicial review;

(bb) whether the Court of Appeals for Veterans Claims should have Article I or Article III status;

(cc) expansion of either the Court of Appeals for Veterans Claims or the United States Court of Appeals for the Federal Circuit jurisdiction, including by allowing such courts to hear class action lawsuits with respect to claims; and

(dd) the possibility of expanding judicial review of claims to all Federal circuit courts of appeals or allowing judicial review beyond the Court of Appeals for Veterans Claims only by the Supreme Court.

(3) CONSIDERATION.—In carrying out the studies under paragraph (1)(A) and (2)(A) and making any recommendations under this section, the Commission or Task Force shall consider the following:

(A) The interests of veterans, including with respect to accuracy, fairness, and transparency in the claims process of the Department.

(B) The values and requirements of the Constitution, including with respect to compliance with procedural and substantive due process.

(C) The public interest, including with respect to the responsible use of available resources.

(D) With respect to the study conducted under paragraph (1)(A), the importance of the claimant friendly, nonadversarial nature of the claims process.

(E) With respect to the study conducted under paragraph (2)(A), the importance of an appeals process that is efficient and easily understandable by a claimant.

(4) ROLE OF SECRETARY, CHAIRMAN OF THE BOARD, AND CHIEF JUDGE.—

(A) INFORMATION.—In carrying out each study under paragraph (1)(A) and (2)(A), at times that the Commission or Task Force determines appropriate, the Commission or Task Force shall submit to the Secretary of Veterans Affairs, the Chairman of the Board, and the Chief Judge of the Court of Appeals for Veterans Claims, as the case may be, information with respect to remedies and solutions that the Commission or Task Force identifies pursuant to such a study.

(B) IMPLEMENTATION.—The Secretary, the Chairman of the Board, and the Chief Judge shall each—

(i) fully consider the remedies and solutions submitted to the Secretary, the Chairman, or the Chief Judge, as the case may be, under subparagraph (A);

(ii) implement such remedies and solutions as the Secretary, the Chairman, or the Chief Judge, respectively, determines appropriate; and

(iii) submit to Congress justification for failing to implement any such remedy or solution.

(C) PLAN.—The Commission or Task Force shall submit to the Secretary, the Chairman of the Board, and the Chief Judge a feasible, timely, and cost-effective plan to eliminate

the backlog of appeals of claims based on the remedies and solutions identified pursuant to the study under paragraph (2)(A) and the information submitted under subparagraph (A).

(c) COMPREHENSIVE REPORTS.—

(1) INITIAL COMPREHENSIVE REPORT.—Not later than 60 days after the date on which the Commission or Task Force first meets, the Commission or Task Force shall submit to the President and Congress an initial comprehensive report on the studies conducted under paragraphs (1)(A) and (2)(A) of subsection (b), including—

(A) the findings of the causes of the backlog of claims;

(B) a proposed plan to handle the anticipated surge in appeals of claims; and

(C) the level of cooperation the Commission or Task Force has received from the Secretary and the heads of other departments or agencies of the Federal Government.

(2) INTERIM COMPREHENSIVE REPORTS.—Not later than 90 days after the date on which the Commission or Task Force first meets, and each 30-day period thereafter ending on the date on which the Commission or Task Force submits the final comprehensive report under paragraph (3), the Commission or Task Force shall submit to the President and Congress a comprehensive report on—

(A) the progress of the Secretary with respect to implementing solutions to expedite the elimination of the backlog of claims pursuant to subsection (b)(4)(B)(ii);

(B) the progress of the Secretary, the Chairman of the Board, and the Chief Judge of the Court of Appeals for Veterans Claims with respect to implementing solutions to complete appeals of claims in a timely manner in a timely manner pursuant to such subsection; and

(C) the level of cooperation the Commission or Task Force has received from the Secretary and the heads of other departments or agencies of the Federal Government.

(3) FINAL COMPREHENSIVE REPORT.—Not later than 180 days after the date on which the Commission or Task Force first meets, the Commission or Task Force shall submit to the President and Congress a comprehensive report on the following:

(A) With respect to the study conducted under subsection (b)(1)(A)—

(i) The findings, conclusions, and recommendations of the Commission or Task Force with respect to the matters referred to in such subsection.

(ii) The recommendations of the Commission or Task Force for revising and improving the backlog of claims and the procedures used to process claims.

(iii) The progress of the Secretary with respect to implementing solutions to expedite the elimination of the backlog of claims pursuant to subsection (b)(4)(B)(ii).

(iv) Other information and recommendations with respect to claims as the Commission or Task Force considers appropriate.

(B) With respect to the study conducted under subsection (b)(2)(A)—

(i) The findings, conclusions, and recommendations of the Commission or Task Force with respect to the matters referred to in such subsection.

(ii) The recommendations of the Commission or Task Force for revising and improving the appeals process;

(iii) The information described in subsection (b)(4)(A).

(iv) The feasible, timely, and cost effective plan described in subsection (b)(4)(C).

(v) The progress of the Secretary, the Chairman of the Board, and the Chief Judge of the Court of Appeals for Veterans Claims

with respect to implementing solutions to provide timely appeals of claims.

(vi) Other information and recommendations with respect to the appeals process as the Commission or Task Force considers appropriate.

(d) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission or Task Force shall be composed of 15 members, appointed as follows:

(A) Two members appointed by the Speaker of the House of Representatives, one of whom shall be designated to serve upon the Subcommittee on the Backlog of Claims and one of whom shall be designated to serve upon the Subcommittee on Appeals.

(B) Two members appointed by the minority leader of the House of Representatives, one of whom shall be designated to serve upon the Subcommittee on the Backlog of Claims and one of whom shall be designated to serve upon the Subcommittee on Appeals.

(C) Two members appointed by the majority leader of the Senate, one of whom shall be designated to serve upon the Subcommittee on the Backlog of Claims and one of whom shall be designated to serve upon the Subcommittee on Appeals.

(D) Two members appointed by the minority leader of the Senate, one of whom shall be designated to serve upon the Subcommittee on the Backlog of Claims and one of whom shall be designated to serve upon the Subcommittee on Appeals.

(E) Three members appointed by the President, two of whom shall be designated to serve upon the Subcommittee on the Backlog of Claims and one of whom shall be designated to serve upon the Subcommittee on Appeals.

(F) One member appointed by the Secretary of Defense, whom shall be designated to serve upon the Subcommittee on the Backlog of Claims.

(G) Two members appointed by the Secretary of Veterans Affairs, one of whom shall be designated to serve upon the Subcommittee on the Backlog of Claims and one of whom shall be designated to serve upon the Subcommittee on Appeals.

(H) One member appointed by the Chief Judge of the Court of Appeals for Veterans Claims, whom shall be designated to serve upon the Subcommittee on Appeals.

(2) SUBCOMMITTEES.—The Commission or Task Force shall have two subcommittees as follows:

(A) A Subcommittee on the Backlog of Claims consisting of the eight members designated in accordance with paragraph (1).

(B) A Subcommittee on Appeals consisting of the seven members designated in accordance with paragraph (1).

(3) QUALIFICATIONS.—Each member appointed under paragraph (1) shall be appointed based on the experience of the member as a veteran or on the subject matter expertise or other relevant experience of the member.

(4) ADVISORS.—

(A) IN GENERAL.—In addition to the 15 members appointed under paragraph (1), the Commission or Task Force shall—

(i) have five nonvoting, nonmember advisors, appointed by a majority of the Commission or Task Force, each from a different organization that represents the interests of veterans; and

(ii) seek advice from experts from non-governmental organizations (including veterans service organizations and military organizations), the Internet technology industry, and the insurance industry.

(B) ADVICE.—Individuals described in clause (i) and (ii) of subparagraph (A) shall provide advice to both subcommittees described in paragraph (2).

(5) CHAIRMAN.—The President shall designate a member of the Commission or Task Force who is appointed by the President and designated to serve upon the Subcommittee on the Backlog of Claims to serve as the chairman of the Commission or Task Force. The chairman may designate a member to serve as the chairman of the Subcommittee on the Backlog of Claims and a member to serve as the chairman of the Subcommittee on Appeals to chair such subcommittees as the designee of the chairman of the Commission or Task Force.

(6) PERIOD OF APPOINTMENT.—Members of the Commission or Task Force shall be appointed for the life of the Commission or Task Force. A vacancy shall not affect its powers.

(7) VACANCY.—A vacancy on the Commission or Task Force shall be filled in the manner in which the original appointment was made.

(8) APPOINTMENT DEADLINE.—The appointment of members of the Commission or Task Force established in this section shall be made not later than 15 days after the date of the enactment of this Act.

(e) MEETINGS.—

(1) INITIAL MEETING.—The Commission or Task Force shall hold its first meeting not later than 15 days after the date on which a majority of the members are appointed.

(2) MEETINGS.—The Commission or Task Force shall meet at the call of the chairman.

(3) QUORUM.—A majority of the members of the Commission or Task Force shall constitute a quorum, but a lesser number may hold hearings.

(f) POWERS OF THE COMMISSION OR TASK FORCE.—

(1) HEARINGS.—The Commission or Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission or Task Force considers advisable to carry out the purposes of this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission or Task Force may secure directly from any department or agency of the Federal Government such information as the Commission or Task Force considers necessary to carry out the provisions of this section. Upon request of the chairman, the head of such department or agency shall furnish such information to the Commission or Task Force.

(3) POSTAL SERVICES.—The Commission or Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission or Task Force may accept, use, and dispose of gifts or donations of service or property.

(g) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission or Task Force who is not an officer or employee of the United States shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission or Task Force. All members of the Commission or Task Force who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission or Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of busi-

ness in the performance of service of the Commission or Task Force.

(3) STAFF.—

(A) APPOINTMENT.—The chairman of the Commission or Task Force may, without regard to the civil service laws and regulations, appoint an executive director and such other personnel as may be necessary to enable the Commission or Task Force to perform its duties. The appointment of an executive director shall be subject to the approval of the Commission or Task Force.

(B) COMPENSATION.—The chairman of the Commission or Task Force may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission or Task Force, the head of any department or agency of the Federal Government may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission or Task Force to assist it in carrying out its duties.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission or Task Force may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(h) TERMINATION OF COMMISSION OR TASK FORCE.—The Commission or Task Force shall terminate 60 days after the date on which the Commission or Task Force submits the final comprehensive report under subsection (c)(3).

(i) FUNDING.—

(1) IN GENERAL.—The Secretary shall, upon the request of the chairman of the Commission or Task Force, make available to the Commission or Task Force such amounts as the Commission or Task Force may require to carry out the duties of the Commission or Task Force under this section.

(2) AVAILABILITY.—Any sums made available to the Commission or Task Force shall remain available, without fiscal year limitation, until the termination of the Commission or Task Force.

(j) DEFINITIONS.—In this section:

(1) The term “appeals process” means the process to appeal the determination by the Secretary of a claim beginning with the notice of disagreement filed pursuant to section 7105 of title 38, United States Code, and ending with the review of a decision by the Supreme Court pursuant to section 7292(c) of such title.

(2) The term “Board” means the Board of Veterans’ Appeals.

(3) The term “strategic plan” means the Strategic Plan to Eliminate the Compensation Claims Backlog, published by the Secretary of Veterans Affairs on January 25, 2013.

SEC. 102. SUPPLEMENTAL REPORTS TO THE STRATEGIC PLAN TO ELIMINATE THE COMPENSATION CLAIMS BACKLOG.

Not later than 60 days after the date of the enactment of this Act, and every 120 days thereafter until Memorial Day (May 25), 2015, the Secretary of Veterans Affairs shall submit to Congress a supplemental report on the implementation by the Department of Veterans Affairs of the Strategic Plan to Eliminate the Compensation Claims Backlog. Each such report shall include—

(1) verification that during the period covered by the report, each claim was approved or denied by not later than 125 days after the date on which the claim is submitted with an accuracy rate of 98 percent, as specified in the Strategic Plan;

(2) a description of the specific measures, procedures, and metrics used to assess the implementation of the Strategic Plan for purposes of the supplemental report; and

(3) a detailed timeline for the implementation of each initiative contained in the Strategic Plan.

SEC. 103. EXPEDITION OF TRANSFER OF CERTAIN RECORDS.

(a) **SSA RECORDS.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into an agreement with the Commissioner of the Social Security Administration to ensure that the Commissioner transfers to the Secretary disability or medical records of the Commissioner that the Secretary will use to evaluate a claim by not later than 30 days after the Secretary requests such records.

(b) **DOD RECORDS.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into an agreement with the Secretary of Defense to ensure that the Secretary of Defense transfers to the Secretary of Veterans Affairs medical records of members or former members of the Armed Forces that the Secretary will use to evaluate a claim by not later than 30 days after the Secretary requests such records.

(c) **NATIONAL GUARD RECORDS.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly—

(1) submit to Congress a plan to reduce to 30 days the amount of time needed to provide members of the National Guard and the Secretary of Veterans Affairs with the medical records of such members, including by partnering with appropriate officials of Federal or State departments or agencies; and

(2) implement such plan.

(d) **EFFECTIVE DATE.**—This section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 104. CLAIMS PROCESSORS TRAINING.

(a) **ESTABLISHMENT.**—The Secretary of Veterans Affairs shall establish a training program to provide newly hired claims processors of the Department of Veterans Affairs with training for a period of not less than two years. In carrying out such program, the Secretary shall identify successful claims processors of the Department who can assist in the training of newly hired claims processors.

(b) **ABILITY TO PROCESS CLAIMS.**—The Secretary shall carry out the training program established under subsection (a) without increasing the amount of time in which claims are processed by the Department.

(c) **EFFECTIVE DATE.**—This section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 105. REPORT BY COMPTROLLER GENERAL OF THE UNITED STATES.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the progress of the Secretary of Veterans Affairs in improving the timeliness of claims processing and eliminating the backlog of claims. The report shall include any recommendations of the Comptroller General with respect to improving the ability of the Secretary to make such progress.

SEC. 106. PRIORITY FOR PROCESSING CLAIMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) **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. Priority for processing claims

“(a) **PRIORITY.**—In processing claims for compensation under this chapter, the Secretary shall provide the following claimants with priority over other claimants:

“(1) Veterans who have attained the age of 70.

“(2) Veterans who are terminally ill.

“(3) Veterans with life-threatening illnesses.

“(4) Homeless veterans (as defined in section 2002 of this title).

“(5) Veterans who were awarded the Medal of Honor.

“(6) Veterans who are former prisoners of war.

“(7) Veterans whose claims are being reviewed again in relation to a previously denied claim relating to military sexual trauma.

“(8) Veterans whom the Secretary determines, on a case-by-case basis, are seriously or very seriously injured.

“(9) Veterans whom the Secretary determines, on a case-by-case basis, should be given priority under this section based on an application for good cause established by the Secretary.

“(b) **REGULATIONS.**—The Secretary shall prescribe regulations to carry out subsection (a).”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5109B the following new item:

“5109C. Priority for processing claims.”.

SEC. 107. PUBLIC AVAILABILITY OF CERTAIN INFORMATION ABOUT PENDING AND COMPLETED CLAIMS FOR COMPENSATION UNDER THE LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) **IN GENERAL.**—Subchapter I of chapter 51 of title 38, United States Code, is amended by adding after section 5109C, as added by section 106, the following new section:

“§ 5109D. Information about pending and completed claims

“(a) **AVAILABILITY OF INFORMATION.**—The Secretary shall maintain on the Internet website of the Department publicly accessible information about pending and completed claims for compensation under chapter 11 of this title. Such information shall include each of the following:

“(1) For each regional office and for the Department as a whole—

“(A) the average number of days between the date of the submittal of a claim and the date of the decision with respect to the claim for each of the preceding three-month and one-year period;

“(B) the average number of days such a claim is pending during the preceding three-month and one-year periods;

“(C) the quality and accuracy rating of the claims adjudication process during the preceding three-month and one-year periods;

“(D) the number of claims pending;

“(E) the number of pending claims that have been pending for more than 125 days; and

“(F) the number of claims completed during—

“(i) the current month, to date;

“(ii) the month preceding the current month;

“(iii) the current calendar year, to date; and

“(iv) the calendar year preceding the current calendar year.

“(2) For each medical condition for which a claim for compensation is submitted, for each regional office and for the Department as a whole—

“(A) the average number of days between the date of the submittal of a claim relating to such medical condition and the date of the decision with respect to the claim for each of the preceding three-month and one-year period;

“(B) the average number of days such a claim is pending during the preceding three-month and one-year periods;

“(C) the quality and accuracy rating of the claims adjudication process as applied to claims relating to such medical condition during the preceding three-month and one-year periods;

“(D) the number of pending claims relating to such condition;

“(E) the number of such pending claims that have been pending for more than 125 days; and

“(F) the number of claims relating to such medical condition completed during—

“(i) the current month, to date;

“(ii) the month preceding current month;

“(iii) the current calendar year, to date; and

“(iv) the calendar year preceding the current calendar year.

“(b) **UPDATES.**—The Secretary shall update the information on the website under subsection (a) not less frequently than once every seven days.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 5109C, as added by section 106, the following new item:

“5109D. Information about pending and completed claims.”.

SEC. 108. ANNUAL REPORT ON PROCESSING OF CLAIMS.

(a) **IN GENERAL.**—Subchapter I of chapter 51 of title 38, United States Code, is amended by adding after section 5109D, as added by section 107, the following new section:

“§ 5109E. Annual report on processing of claims

“(a) **ANNUAL REPORT.**—The Secretary shall include in the annual report to Congress required under section 529 of this title information on the following:

“(1) The automatic processing of claims for compensation.

“(2) The performance of any regional office that fails to meet the administrative goals of the regional office with respect to timeliness and accuracy in processing claims for compensation.

“(3) The timeliness of receiving information pursuant to a request by the Secretary to the head of another department or agency of the United States for information required by the Secretary in adjudicating a claim for compensation under chapter 11 of this title.

“(b) **MATTERS INCLUDED.**—In carrying out subsection (a) to include information in the report required under section 529 of this title, the Secretary shall include the following:

“(1) With respect to the information required by subsection (a)(1)—

“(A) each medical condition for which claims relating to such condition were processed in an electronic automated fashion during the fiscal year covered by the report;

“(B) the feasibility of processing any additional medical conditions in an electronic automated fashion and any barriers to such processing, including any such barriers relating to the schedule for rating disabilities under section 1155 of this title;

“(C) the number of claims for compensation relating to each medical condition submitted during such fiscal year; and

“(D) for each medical condition, the percentage of claims denied and the percentage of claims approved during such fiscal year.

“(2) With respect to the information required by subsection (a)(2), in the case of any

regional office that, for the fiscal year covered by the report, did not meet the administrative goal of having no claim pending for more than 125 days and achieving an accuracy rating of 98 percent—

“(A) a signed statement prepared by the individual serving as director of the regional office as of the date of the submittal of the report containing—

“(i) an explanation for why the regional office did not meet the goal;

“(ii) a description of the additional resources needed to enable the regional office to reach the goal; and

“(iii) a description of any additional actions planned for the subsequent fiscal year that are proposed to enable the regional office to meet the goal; and

“(B) a statement prepared by the Under Secretary for Benefits explaining how the failure of the regional office to meet the goal affected the performance evaluation of the director of the regional office.

“(3) With respect to the information required by subsection (a)(3)—

“(A) the number of requests described in such paragraph made during the fiscal year covered by the report; and

“(B) the average response time for such requests made during each month of such fiscal year, as determined based on the period beginning on the date on which the Secretary made the request and ending on the date on which the Secretary determines that the request is completed.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 5109D, as added by section 107, the following new item:

“5109E. Annual report on processing of claims.”.

(c) **EFFECTIVE DATE.**—Section 5109E of title 38, United States Code, as added by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 109. DEPARTMENT OF VETERANS AFFAIRS NOTICE OF AVERAGE TIMES FOR PROCESSING CLAIMS AND PERCENTAGE OF CLAIMS APPROVED.

(a) **PUBLIC NOTICE.**—The Secretary of Veterans Affairs shall post the information described in subsection (c)—

(1) in a conspicuous place in each regional office and claims intake facilities of the Department of Veterans Affairs; and

(2) on the Internet website of the Department.

(b) **NOTICE TO APPLICANTS.**—

(1) **IN GENERAL.**—The Secretary shall provide to each person who submits a claim for benefits under the laws administered by the Secretary before the person submits such claim—

(A) notice of the information described in subsection (c); and

(B) notice that, during the period ending on August 6, 2015, the person is eligible to receive up to an extra year of benefits payments if the person files an original claim that is fully developed.

(2) **ACKNOWLEDGMENT OF RECEIPT OF NOTICE.**—Each person who submits a claim for benefits under the laws administered by the Secretary shall include in such application a signed form acknowledging that the person received the information described in subsection (c).

(c) **INFORMATION DESCRIBED.**—

(1) **IN GENERAL.**—The information described in this subsection is the following:

(A) The average processing time of the claims described in paragraph (2) and the percentage of such submitted claims for which benefits are awarded.

(B) The percentage of each of the following types of submitted claims for benefits under

the laws administered by the Secretary of Veterans Affairs for which benefits are awarded:

(i) Claims filed by veterans who authorized a veterans service organization to act on the veterans' behalf under a durable power of attorney.

(ii) Claims filed by veterans who authorized a person other than a veterans service organization to act on the veterans' behalf under a durable power of attorney.

(iii) Claims filed by veterans who did not authorize a person to act on the veterans' behalf under a durable power of attorney.

(2) **CLAIMS DESCRIBED.**—The claims described in this paragraph are each of the following types of claims for benefits under the laws administered by the Secretary of Veterans Affairs:

(A) A fully developed claim that is submitted in standard electronic form.

(B) A fully developed claim that is submitted in standard paper form.

(C) A claim that is not fully developed that is submitted in standard electronic form.

(D) A claim that is not fully developed that is submitted in standard paper form.

(E) A claim that is not fully developed that is submitted in nonstandard paper form.

(3) **UPDATE OF INFORMATION.**—The information described in this subsection shall be updated not less frequently than once each fiscal quarter.

(d) **EFFECTIVE DATE.**—This section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 110. CLAIM DEFINED.

Except as otherwise provided, in this title, the term “claim” means a claim for disability compensation under the laws administered by the Secretary of Veterans Affairs.

TITLE II—COMPENSATION AND PENSIONS

SEC. 201. IMPROVEMENTS TO AUTHORITY FOR PERFORMANCE OF MEDICAL DISABILITIES EXAMINATIONS BY CONTRACT PHYSICIANS.

(a) **EXTENSION OF TEMPORARY AUTHORITY.**—Subsection (c) of section 704 of the Veterans Benefits Act of 2003 (38 U.S.C. 5101 note) is amended by striking “December 31, 2013” and inserting “December 31, 2016”.

(b) **LICENSURE OF CONTRACT PHYSICIANS.**—

(1) **TEMPORARY AUTHORITY.**—Such section 704 is further amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection (d):

“(d) **LICENSURE OF CONTRACT PHYSICIANS.**—

“(1) **IN GENERAL.**—Notwithstanding any law regarding the licensure of physicians, a physician described in paragraph (2) may conduct an examination pursuant to a contract entered into under subsection (b) at any location in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States, so long as the examination is within the scope of the authorized duties under such contract.

“(2) **PHYSICIAN DESCRIBED.**—A physician described in this paragraph is a physician who—

“(A) has a current license to practice the health care profession of the physician; and

“(B) is performing authorized duties for the Department of Veterans Affairs pursuant to a contract entered into under subsection (b).”.

(2) **PILOT PROGRAM.**—Section 504 of the Veterans' Benefits Improvement Act of 1996 (38 U.S.C. 5101 note) is amended—

(A) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

“(c) **LICENSURE OF CONTRACT PHYSICIANS.**—

“(1) **IN GENERAL.**—Notwithstanding any law regarding the licensure of physicians, a phy-

sician described in paragraph (2) may conduct an examination pursuant to a contract entered into under subsection (a) at any location in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States, so long as the examination is within the scope of the authorized duties under such contract.

“(2) **PHYSICIAN DESCRIBED.**—A physician described in this paragraph is a physician who—

“(A) has a current license to practice the health care profession of the physician; and

“(B) is performing authorized duties for the Department of Veterans Affairs pursuant to a contract entered into under subsection (a).”.

(c) **EXPANSION OF PILOT PROGRAM.**—Subsection (b) of such section 504 is amended to read as follows:

“(b) **LOCATIONS.**—

“(1) **NUMBER.**—The Secretary may carry out the pilot program under this section through not more than 15 regional offices of the Department of Veterans Affairs.

“(2) **SELECTION.**—The Secretary shall select the regional offices under paragraph (1) by analyzing appropriate data to determine the regional offices that require support. Such appropriate data shall include—

“(A) the number of backlogged claims;

“(B) the total pending case workload;

“(C) the length of time cases have been pending;

“(D) the accuracy of completed cases;

“(E) the overall timeliness of completed cases;

“(F) the availability and workload of the examination units and physicians of the medical centers in the regional office; and

“(G) any other data the Secretary determines appropriate.

“(3) **ANNUAL ANALYSIS.**—The Secretary shall carry out the data analysis of the regional offices under paragraph (2) during each year in which the program under this section is carried out to determine the regional offices selected under paragraph (1) for such year.”.

(d) **EFFECTIVE DATE.**—This section and the amendment made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 202. CONSIDERATION BY SECRETARY OF VETERANS AFFAIRS OF RESOURCES DISPOSED OF FOR LESS THAN FAIR MARKET VALUE BY INDIVIDUALS APPLYING FOR PENSION.

(a) **VETERANS.**—Section 1522 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “(1)” before “The Secretary”; and

(B) by adding at the end the following new paragraph:

“(2)(A) If a veteran otherwise eligible for payment of pension under section 1513 or 1521 of this title or the spouse of such veteran disposes of covered resources for less than fair market value on or after the look-back date described in subparagraph (C)(i), the Secretary shall deny or discontinue the payment of pension to such veteran under section 1513 or 1521 of this title, as the case may be, for months during the period beginning on the date described in subparagraph (D) and equal to the number of months calculated as provided in subparagraph (E).

“(B)(i) For purposes of this paragraph, a covered resource is any resource that was a part of the corpus of the estate of the veteran or, if the veteran has a spouse, the corpus of the estates of the veteran and of the veteran's spouse, that the Secretary considers that under all the circumstances, if the veteran or spouse had not disposed of such resource, it would be reasonable that

the resource (or some portion of the resource) be consumed for the veteran's maintenance.

“(ii) For purposes of this paragraph, the Secretary may consider, in accordance with regulations the Secretary shall prescribe, a transfer of an asset (including a transfer of an asset to an annuity, trust, or other financial instrument or investment) a disposal of a covered resource for less than fair market value if such transfer reduces the amount in the corpus of the estate of the veteran or, if the veteran has a spouse, the corpus of the estates of the veteran and of the veteran's spouse, that the Secretary considers, under all the circumstances, would be reasonable to be consumed for the veteran's maintenance.

“(C)(i) The look-back date described in this clause is a date that is 36 months before the date described in clause (ii).

“(ii) The date described in this clause is the date on which the veteran applies for pension under section 1513 or 1521 of this title or, if later, the date on which the veteran (or the spouse of the veteran) disposes of covered resources for less than fair market value.

“(D) The date described in this subparagraph is the first day of the first month in or after which covered resources were disposed of for less than fair market value and which does not occur in any other period of ineligibility under this paragraph.

“(E) The number of months calculated under this subparagraph shall be equal to—

“(i) the total, cumulative uncompensated value of the portion of covered resources so disposed of by the veteran (or the spouse of the veteran) on or after the look-back date described in subparagraph (C)(i) that the Secretary determines would reasonably have been consumed for the veteran's maintenance; divided by

“(ii) the maximum amount of monthly pension that is payable to a veteran under section 1513 or 1521 of this title, including the maximum amount of increased pension payable under such sections on account of family members, but not including any amount of pension payable under such sections because a veteran is in need of regular aid and attendance or is permanently housebound,

rounded, in the case of any fraction, to the nearest whole number, but shall not in any case exceed 36 months.”;

(2) in subsection (b)—

(A) by inserting “(1)” before “The Secretary”; and

(B) by adding at the end the following new paragraph:

“(2)(A) If a veteran otherwise eligible for payment of increased pension under subsection (c), (d), (e), or (f) of section 1521 of this title on account of a child, the spouse of the veteran, or the child disposes of covered resources for less than fair market value on or after the look-back date described in subparagraph (C)(i), the Secretary shall deny or discontinue payment of such increased pension for months during the period beginning on the date described in subparagraph (D) and equal to the number of months calculated as provided in subparagraph (E).

“(B)(i) For purposes of this paragraph, a covered resource is any resource that was a part of the corpus of the estate of the child that the Secretary considers that under all the circumstances, if the veteran, the spouse of the veteran, or the child had not disposed of such resource, it would be reasonable that the resource (or some portion of the resource) be consumed for the child's maintenance.

“(ii) For purposes of this paragraph, the Secretary may consider, in accordance with

regulations the Secretary shall prescribe, a transfer of an asset (including a transfer of an asset to an annuity, trust, or other financial instrument or investment) a disposal of a covered resource for less than fair market value if such transfer reduces the amount in the corpus of the estate of the child that the Secretary considers, under all the circumstances, would be reasonable to be consumed for the child's maintenance.

“(C)(i) The look-back date described in this clause is a date that is 36 months before the date described in clause (ii).

“(ii) The date described in this clause is the date on which the veteran applies for payment of increased pension under subsection (c), (d), (e), or (f) of section 1521 of this title on account of a child or, if later, the date on which the veteran, the spouse of the veteran, or the child disposes of covered resources for less than fair market value.

“(D) The date described in this subparagraph is the first day of the first month in or after which covered resources were disposed of for less than fair market value and which does not occur in any other period of ineligibility under this paragraph.

“(E) The number of months calculated under this subparagraph shall be equal to—

“(i) the total, cumulative uncompensated value of the portion of covered resources so disposed of by the veteran, the spouse of the veteran, or the child on or after the look-back date described in subparagraph (C)(i) that the Secretary determines would reasonably have been consumed for the child's maintenance; divided by

“(ii) the maximum amount of increased monthly pension that is payable to a veteran under subsection (c), (d), (e), or (f) of section 1521 of this title on account of a child, rounded, in the case of any fraction, to the nearest whole number, but shall not in any case exceed 36 months.”; and

(3) by adding at the end the following new subsections:

“(c)(1) The Secretary shall not deny or discontinue payment of pension under section 1513 or 1521 of this title or payment of increased pension under subsection (c), (d), (e), or (f) of section 1521 of this title on account of a child by reason of the application of subsection (a)(2) or (b)(2) of this section to the disposal of resources by an individual to the extent that—

“(A) a satisfactory showing is made to the Secretary (in accordance with regulations promulgated by the Secretary) that all resources disposed of for less than fair market value have been returned to the individual who disposed of the resources; or

“(B) the Secretary determines, under procedures established by the Secretary, that the denial or discontinuance of payment would work an undue hardship as determined on the basis of criteria established by the Secretary.

“(2) At the time a veteran applies for pension under section 1513 or 1521 of this title or increased pension under subsection (c), (d), (e), or (f) of section 1521 of this title on account of a child, and at such other times as the Secretary considers appropriate, the Secretary shall—

“(A) inform such veteran of the provisions of subsections (a)(2) and (b)(2) providing for a period of ineligibility for payment of pension under such sections for individuals who make certain dispositions of resources for less than fair market value; and

“(B) obtain from such veteran information which may be used in determining whether or not a period of ineligibility for such payments would be required by reason of such subsections.

“(d) Subsections (a)(2) and (b)(2) shall not apply with respect to the disposal of resources or the transfer of an asset if such

disposal or transfer is to a trust described in section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4)) that is established for the benefit of a child of the veteran.”.

(b) SURVIVING SPOUSES AND CHILDREN.—Section 1543 of such title is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph (2):

“(2)(A) If a surviving spouse otherwise eligible for payment of pension under section 1541 of this title disposes of covered resources for less than fair market value on or after the look-back date described in subparagraph (C)(i), the Secretary shall deny or discontinue the payment of pension to such surviving spouse under section 1541 of this title for months during the period beginning on the date described in subparagraph (D) and equal to the number of months calculated as provided in subparagraph (E).

“(B)(i) For purposes of this paragraph, a covered resource is any resource that was a part of the corpus of the estate of the surviving spouse that the Secretary considers that under all the circumstances, if the surviving spouse had not disposed of such resource, it would be reasonable that the resource (or some portion of the resource) be consumed for the surviving spouse's maintenance.

“(ii) For purposes of this paragraph, the Secretary may consider, in accordance with regulations the Secretary shall prescribe, a transfer of an asset (including a transfer of an asset to an annuity, trust, or other financial instrument or investment) a disposal of a covered resource for less than fair market value if such transfer reduces the amount in the corpus of the estate of the surviving spouse that the Secretary considers, under all the circumstances, would be reasonable to be consumed for the surviving spouse's maintenance.

“(C)(i) The look-back date described in this clause is a date that is 36 months before the date described in clause (ii).

“(ii) The date described in this clause is the date on which the surviving spouse applies for pension under section 1541 of this title or, if later, the date on which the surviving spouse disposes of covered resources for less than fair market value.

“(D) The date described in this subparagraph is the first day of the first month in or after which covered resources were disposed of for less than fair market value and which does not occur in any other period of ineligibility under this paragraph.

“(E) The number of months calculated under this subparagraph shall be equal to—

“(i) the total, cumulative uncompensated value of the portion of covered resources so disposed of by the surviving spouse on or after the look-back date described in subparagraph (C)(i) that the Secretary determines would reasonably have been consumed for the surviving spouse's maintenance; divided by

“(ii) the maximum amount of monthly pension that is payable to a surviving spouse under section 1541 of this title, including the maximum amount of increased pension payable under such section on account of a child, but not including any amount of pension payable under such section because a surviving spouse is in need of regular aid and attendance or is permanently housebound,

rounded, in the case of any fraction, to the nearest whole number, but shall not in any case exceed 36 months.

“(F) In the case of a transfer by the surviving spouse during the veteran's lifetime that resulted in a period of ineligibility for the veteran under section 1522 of this title,

the Secretary shall apply to the surviving spouse any remaining ineligibility for that period.”; and

(C) by adding at the end the following new paragraph:

“(4)(A) If a surviving spouse otherwise eligible for payment of increased pension under subsection (c), (d), or (e) of section 1541 of this title on account of a child or the child disposes of covered resources for less than fair market value on or after the look-back date described in subparagraph (C)(i), the Secretary shall deny or discontinue payment of such increased pension for months during the period beginning on the date described in subparagraph (D) and equal to the number of months calculated as provided in subparagraph (E).

“(B)(i) For purposes of this paragraph, a covered resource is any resource that was a part of the corpus of the estate of the child that the Secretary considers that under all the circumstances, if the surviving spouse or the child had not disposed of such resource, it would be reasonable that the resource (or some portion of the resource) be consumed for the child’s maintenance.

“(ii) For purposes of this paragraph, the Secretary may consider, in accordance with regulations the Secretary shall prescribe, a transfer of an asset (including a transfer of an asset to an annuity, trust, or other financial instrument or investment) a disposal of a covered resource for less than fair market value if such transfer reduces the amount in the corpus of the estate of the child that the Secretary considers, under all the circumstances, would be reasonable to be consumed for the child’s maintenance.

“(C)(i) The look-back date described in this clause is a date that is 36 months before the date described in clause (ii).

“(ii) The date described in this clause is the date on which the surviving spouse applies for payment of increased pension under subsection (c), (d), or (e) of section 1541 of this title on account of a child or, if later, the date on which the surviving spouse (or the child) disposes of covered resources for less than fair market value.

“(D) The date described in this subparagraph is the first day of the first month in or after which covered resources were disposed of for less than fair market value and which does not occur in any other period of ineligibility under this paragraph.

“(E) The number of months calculated under this clause shall be equal to—

“(i) the total, cumulative uncompensated value of the portion of covered resources so disposed of by surviving spouse (or the child) on or after the look-back date described in subparagraph (C)(i) that the Secretary determines would reasonably have been consumed for the child’s maintenance; divided by

“(ii) the maximum amount of increased monthly pension that is payable to a surviving spouse under subsection (c), (d), or (e) of section 1541 of this title on account of a child,

rounded, in the case of any fraction, to the nearest whole number, but shall not in any case exceed 36 months.”;

(2) in subsection (b)—

(A) by inserting “(1)” before “The Secretary”; and

(B) by adding at the end the following new paragraph:

“(2)(A) If a child otherwise eligible for payment of pension under section 1542 of this title or any person with whom such child is residing who is legally responsible for such child’s support disposes of covered resources for less than fair market value on or after the look-back date described in subparagraph (C)(i), the Secretary shall deny or discontinue the payment of pension to such

child under section 1542 of this title for months during the period beginning on the date described in subparagraph (D) and equal to the number of months calculated as provided in subparagraph (E).

“(B)(i) For purposes of this paragraph, a covered resource is any resource that was a part of the corpus of the estate of the child or the corpus of the estate of any person with whom such child is residing who is legally responsible for such child’s support that the Secretary considers that under all the circumstances, if the child or person had not disposed of such resource, it would be reasonable that the resource (or some portion of the resource) be consumed for the child’s maintenance.

“(ii) For purposes of this paragraph, the Secretary may consider, in accordance with regulations the Secretary shall prescribe, a transfer of an asset (including a transfer of an asset to an annuity, trust, or other financial instrument or investment) a disposal of a covered resource for less than fair market value if such transfer reduces the amount in the corpus of the estate described in clause (i) that the Secretary considers, under all the circumstances, would be reasonable to be consumed for the child’s maintenance.

“(C)(i) The look-back date described in this clause is a date that is 36 months before the date described in clause (ii).

“(ii) The date described in this clause is the date on which the child applies for pension under section 1542 of this title or, if later, the date on which the child (or person described in subparagraph (B)) disposes of covered resources for less than fair market value.

“(D) The date described in this clause is the first day of the first month in or after which covered resources were disposed of for less than fair market value and which does not occur in any other period of ineligibility under this paragraph.

“(E) The number of months calculated under this clause shall be equal to—

“(i) the total, cumulative uncompensated value of the portion of covered resources so disposed of by the child (or person described in subparagraph (B)) on or after the look-back date described in subparagraph (C)(i) that the Secretary determines would reasonably have been consumed for the child’s maintenance; divided by

“(ii) the maximum amount of monthly pension that is payable to a child under section 1542 of this title,

rounded, in the case of any fraction, to the nearest whole number, but shall not in any case exceed 36 months.”; and

(3) by adding at the end the following new subsections:

“(c)(1) The Secretary shall not deny or discontinue payment of pension under section 1541 or 1542 of this title or payment of increased pension under subsection (c), (d), or (e) of section 1541 of this title on account of a child by reason of the application of subsection (a)(2), (a)(4), or (b)(2) of this section to the disposal of resources by an individual to the extent that—

“(A) a satisfactory showing is made to the Secretary (in accordance with regulations promulgated by the Secretary) that all resources disposed of for less than fair market value have been returned to the individual who disposed of the resources; or

“(B) the Secretary determines, under procedures established by the Secretary, that the denial or discontinuance of payment would work an undue hardship as determined on the basis of criteria established by the Secretary.

“(2) At the time a surviving spouse or child applies for pension under section 1541 or 1542 of this title or increased pension under sub-

section (c), (d), or (e) of section 1541 of this title on account of a child, and at such other times as the Secretary considers appropriate, the Secretary shall—

“(A) inform such surviving spouse or child of the provisions of subsections (a)(2), (a)(4), and (b)(2), as applicable, providing for a period of ineligibility for payment of pension or increased pension under such sections for individuals who make certain dispositions of resources for less than fair market value; and

“(B) obtain from such surviving spouse or child information which may be used in determining whether or not a period of ineligibility for such payments would be required by reason of such subsections.

“(d) Paragraphs (2) and (4) of subsection (a) and subsection (b)(2) shall not apply with respect to the disposal of resources or the transfer of an asset if such disposal or transfer is to a trust described in section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4)) that is established for the benefit of a child of the veteran or surviving spouse.”.

(c) EFFECTIVE DATE.—Subsections (a)(2), (b)(2), and (c) of section 1522 of title 38, United States Code, as added by subsection (a), and subsections (a)(2), (a)(4), (b)(2), and (c) of section 1543 of such title, as added by subsection (b), shall take effect on the date that is one year after the date of the enactment of this Act and shall apply with respect to payments of pension and increased pension applied for after such date and to payments of pension and increased pension for which eligibility is redetermined after such date, except that no reduction in pension shall be made under such subsections because of any disposal of covered resources made before such date.

(d) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act and not less frequently than once each year thereafter through 2018, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report on the administration of subsections (a)(2), (b)(2), and (c) of section 1522 of title 38, United States Code, as added by subsection (a), and subsections (a)(2), (a)(4), (b)(2), and (c) of section 1543 of such title, as added by subsection (b), during the most recent 12-month period.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following, for the period covered by the report:

(A) The number of individuals who applied for pension under chapter 15 of such title.

(B) The number of individuals who received pension under such chapter.

(C) The number of individuals with respect to whom the Secretary denied or discontinued payment of pension under the subsections referred to in paragraph (1).

(D) A description of any trends identified by the Secretary regarding pension payments that have occurred as a result of the amendments made by this section.

(E) Such other information as the Secretary considers appropriate.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Veterans’ Affairs and the Select Committee on Aging of the Senate; and

(B) the Committee on Veterans’ Affairs of the House of Representatives.

SEC. 203. BIFURCATED PAYMENTS OF COMPENSATION BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

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

“§ 5127. Bifurcated payments of compensation benefits

“(a) IN GENERAL.—During the eight-year period beginning on the date of the enactment of this section, in the case of a claim described in subsection (b), prior to adjudicating the claim, the Secretary shall make payments of monetary benefits to the claimant based on any disability for which the Secretary has made a decision. Upon the adjudication of the claim, the Secretary shall pay to the claimant any monetary benefits awarded to the claimant for the period of payment under section 5111 of this title less the amount of such benefits paid to the claimant under this section.

“(b) CLAIM DESCRIBED.—A claim described in this subsection is a claim for disability compensation under chapter 11 of this title—

“(1) the adjudication of which requires the Secretary to make decisions with respect to two or more disabilities; and

“(2) for which, before completing the adjudication of the claim, the Secretary makes a decision with respect to a disability that would result in the payment of monetary benefits to the claimant upon the adjudication of the claim.”.

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

“5127. Bifurcated payments of compensation benefits.”.

(c) EFFECTIVE DATE.—Section 5127 of title 38, United States Code, as added by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 204. PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking “November 30, 2016” and inserting “September 30, 2018”.

TITLE III—OTHER MATTERS

SEC. 301. REVIEW OF OPERATION OF CERTAIN SHIPS DURING THE VIETNAM ERA.

(a) REVIEW REQUIRED.—By not later than one year after the date of the enactment of this Act, the Secretary of Defense shall review the logs of each ship under the authority of the Secretary of the Navy that is known to have operated in the waters near Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, to determine—

(1) whether each ship operated in the territorial waters of the Republic of Vietnam during such period; and

(2) for each such ship that so operated—

(A) the date or dates when the ship so operated; and

(B) the distance from the shore of the location where the ship operated that was the closest proximity to shore.

(b) PROVISION OF INFORMATION TO THE SECRETARY OF VETERANS AFFAIRS.—Upon a determination that any such ship so operated, the Secretary of Defense shall provide such determination, together with the information described in subsection (a)(2) about the ship, to the Secretary of Veterans Affairs.

(c) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary of Veterans Affairs shall make publicly available all unclassified information provided to the Secretary under subsection (b).

SEC. 302. METHODS FOR VALIDATING CERTAIN SERVICE CONSIDERED TO BE ACTIVE SERVICE BY THE SECRETARY OF VETERANS AFFAIRS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Merchant Marine Act, 1936 established the United States Maritime Commis-

sion, and stated as a matter of policy that the United States should have a merchant marine that is “capable of serving as a naval and military auxiliary in time of war or national emergency”.

(2) The Social Security Act Amendments of 1939 (Public Law 76-379) expanded the definition of employment to include service “on or in connection with an American vessel under contract of service which is entered into within the United States or during the performance of which the vessel touches at a port in the United States, if the employee is employed on and in connection with such vessel”.

(3) The Joint Resolution to repeal sections 2, 3, and 6 of the Neutrality Act of 1939, and for other purposes (Public Law 77-294; 55 Stat. 764) repealed section 6 of the Neutrality Act of 1939 (related to the arming of United States vessels) and authorized the President during the national emergency to arm or permit to arm any United States vessel.

(4) On February 7, 1942, President Franklin D. Roosevelt, through Executive Order Number 9054, established the War Shipping Administration that was charged with building or purchasing, and operating the civilian shipping vessels needed for the war effort.

(5) During World War II, United States merchant mariners transported goods and materials through “contested waters” to the various combat theaters.

(6) At the conclusion of World War II, United States merchant mariners were responsible for transporting several million members of the United States Armed Forces back to the United States.

(7) The GI Bill Improvement Act of 1977 (Public Law 95-202) provided that the Secretary of Defense could determine that service for the Armed Forces by organized groups of civilians, or contractors, be considered “active service” for benefits administered by the Veterans Administration.

(8) Department of Defense Directive 1000.20 directed that the determination be made by the Secretary of the Air Force, and established the Civilian/Military Service Review Board and Advisory Panel.

(9) In 1987, three merchant mariners along with the AFL-CIO sued Edward C. Aldridge, Secretary of the Air Force, challenging the denial of their application for veterans status. In *Schumacher v. Aldridge* (665 F. Supp. 41 (D.D.C. 1987)), the Court determined that Secretary Aldridge had failed to “articulate clear and intelligible criteria for the administration” of the application approval process.

(10) During World War II, women were repeatedly denied issuance of official documentation affirming their merchant marine seaman status by the War Shipping Administration.

(11) Coast Guard Information Sheet #77 (April 1992) identifies the following acceptable forms of documentation for eligibility meeting the requirements set forth in the GI Bill Improvement Act of 1977 (Public Law 95-202) and Veterans Programs Enhancement Act of 1998 (Public Law 105-368):

(A) Certificate of shipping and discharge forms.

(B) Continuous discharge books (ship’s deck or engine logbooks).

(C) Company letters showing vessel names and dates of voyages.

(12) Coast Guard Commandant Order of March 20, 1944, relieved masters of tugs, towboats, and seagoing barges of the responsibility of submitting reports of seamen shipped or discharged on forms, meaning certificates of shipping and discharge forms are not available to all eligible individuals seeking to document their eligibility.

(13) Coast Guard Information Sheet #77 (April 1992) states that “deck logs were tra-

ditionally considered to be the property of the owners of the ships. After World War II, however, the deck and engine logbooks of vessels operated by the War Shipping Administration were turned over to that agency by the ship owners, and were destroyed during the 1970s”, meaning that continuous discharge books are not available to all eligible individuals seeking to document their eligibility.

(14) Coast Guard Information Sheet #77 (April, 1992) states “some World War II period log books do not name ports visited during the voyage due to wartime security restrictions”, meaning that company letters showing vessel names and dates of voyages are not available to all eligible individuals seeking to document their eligibility.

(b) METHODS FOR VALIDATING CERTAIN SERVICE CONSIDERED TO BE ACTIVE SERVICE BY THE SECRETARY OF VETERANS AFFAIRS.—

(1) IN GENERAL.—For the purposes of verifying that an individual performed service under honorable conditions that satisfies the requirements of a coastwise merchant seaman who is recognized pursuant to section 401 of the GI Bill Improvement Act of 1977 (Public Law 95-202; 38 U.S.C. 106 note) as having performed active duty service for the purposes described in paragraph (3)(A), the Secretary of Homeland Security shall accept the following:

(A) In the case of an individual who served on a coastwise merchant vessel seeking such recognition for whom no applicable Coast Guard shipping or discharge form, ship logbook, merchant mariner’s document or Z-card, or other official employment record is available, the Secretary shall provide such recognition on the basis of applicable Social Security Administration records submitted for or by the individual, together with validated testimony given by the individual or the primary next of kin of the individual that the individual performed such service during the period beginning on December 7, 1941, and ending on December 31, 1946.

(B) In the case of an individual who served on a coastwise merchant vessel seeking such recognition for whom the applicable Coast Guard shipping or discharge form, ship logbook, merchant mariner’s document or Z-card, or other official employment record has been destroyed or otherwise become unavailable by reason of any action committed by a person responsible for the control and maintenance of such form, logbook, or record, the Secretary shall accept other official documentation demonstrating that the individual performed such service during period beginning on December 7, 1941, and ending on December 31, 1946.

(C) For the purpose of determining whether to recognize service allegedly performed during the period beginning on December 7, 1941, and ending on December 31, 1946, the Secretary shall recognize masters of seagoing vessels or other officers in command of similarly organized groups as agents of the United States who were authorized to document any individual for purposes of hiring the individual to perform service in the merchant marine or discharging an individual from such service.

(2) TREATMENT OF OTHER DOCUMENTATION.—Other documentation accepted by the Secretary of Homeland Security pursuant to paragraph (1)(B) shall satisfy all requirements for eligibility of service during the period beginning on December 7, 1941, and ending on December 31, 1946.

(3) BENEFITS ALLOWED.—

(A) BURIAL BENEFITS ELIGIBILITY.—Service of an individual that is considered active duty pursuant to paragraph (1) shall be considered as active duty service with respect to providing burial benefits under chapters 23

and 24 of title 38, United States Code, to the individual.

(B) **MEDALS, RIBBONS, AND DECORATIONS.**—An individual whose service is recognized as active duty pursuant to paragraph (1) may be awarded an appropriate medal, ribbon, or other military decoration based on such service.

(C) **STATUS OF VETERAN.**—An individual whose service is recognized as active duty pursuant to paragraph (1) shall be honored as a veteran but shall not be entitled by reason of such recognized service to any benefit that is not described in this subsection.

(4) **DETERMINATION OF COASTWISE MERCHANT SEAMAN.**—The Secretary of Homeland Security shall verify that an individual performed service under honorable conditions that satisfies the requirements of a coastwise merchant seaman pursuant to this section without regard to the sex, age, or disability of the individual during the period in which the individual served as such a coastwise merchant seaman.

(5) **DEFINITION OF PRIMARY NEXT OF KIN.**—In this section, the term “primary next of kin” with respect to an individual seeking recognition for service under this section means the closest living relative of the individual who was alive during the period of such service.

(6) **EFFECTIVE DATE.**—This section shall take effect 90 days after the date of the enactment of this Act.

SEC. 303. DESIGNATION OF AMERICAN WORLD WAR II CITIES.

(a) **IN GENERAL.**—The Secretary of Veterans Affairs shall designate at least one city in the United States each year as an “American World War II City”.

(b) **CRITERIA FOR DESIGNATION.**—After the designation made under subsection (c), the Secretary, in consultation with the Secretary of Defense, shall make each designation under subsection (a) based on the following criteria:

(1) Contributions by a city to the war effort during World War II, including those related to defense manufacturing, bond drives, service in the Armed Forces, and the presence of military facilities within the city.

(2) Efforts by a city to preserve the history of the city’s contributions during World War II, including through the establishment of preservation organizations or museums, restoration of World War II facilities, and recognition of World War II veterans.

(c) **FIRST AMERICAN WORLD WAR II CITY.**—The city of Wilmington, North Carolina, is designated as an “American World War II City”.

SEC. 304. OBSERVANCE OF VETERANS DAY.

(a) **TWO MINUTES OF SILENCE.**—Chapter 1 of title 36, United States Code, is amended by adding at the end the following new section:

“§ 145. Veterans Day

“The President shall issue each year a proclamation calling on the people of the United States to observe two minutes of silence on Veterans Day in honor of the service and sacrifice of veterans throughout the history of the Nation, beginning at—

- “(1) 3:11 p.m. Atlantic standard time;
- “(2) 2:11 p.m. eastern standard time;
- “(3) 1:11 p.m. central standard time;
- “(4) 12:11 p.m. mountain standard time;
- “(5) 11:11 a.m. Pacific standard time;
- “(6) 10:11 a.m. Alaska standard time; and
- “(7) 9:11 a.m. Hawaii-Aleutian standard time.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 1 of title 36, United States Code, is amended by adding at the end the following new item:

“145. Veterans Day.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Florida (Mr. MILLER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and add any extraneous material they may have on H.R. 2189.

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

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the most challenging issues facing the Department of Veterans Affairs and the veterans it serves is the huge disability backlog. According to last week’s backlog report, there were 717,000 claims for disability compensation waiting for a decision, and almost 412,000, or 57 percent, of those claims were above the Secretary’s stated processing goal of 125 days. In short, 57 percent of VA’s claims work is currently backlogged. Although I am glad we have seen some progress of late, a 57 percent backlog is not acceptable. If we are going to reach the Secretary’s goal of ending the backlog by 2015, we will all need a focused effort, and the provisions of this bill will help achieve that goal.

H.R. 2189, as amended, reflects the committee’s bipartisan efforts to bring additional transparency to this very troubling and decades-old problem. I know that other Members are here to provide a brief description of the bill that they have sponsored, or those who have worked closely on the legislation, but I want to highlight some of the key provisions.

Title I would establish a commission or a task force to evaluate the backlog of disability claims and the appeals process related to those claims. Time is of the essence, so the commission would be required to submit a series of interim reports to Congress and a final report to the President and to the Congress 180 days after the commission’s first meeting. The purpose of the task force is very simple: we need the best and the brightest minds to put forward workable solutions that can be implemented immediately. Even though VA has made recent progress, it is still well short of its own goals. We must not take our foot off the gas when it comes to ending the backlog once and for all, and ideas coming from this focused task force will assist in that effort.

Title I of the bill would also direct VA to provide a supplemental report to its strategic plan to eliminate the compensation claims backlog within 60 days of enactment and every 120 days thereafter until May 25, 2015. The purpose of this provision is to hold VA accountable for the full execution of its own strategic plan. Too often, VA has

made lofty promises, and its efforts have fallen short. This provision, authored by our majority whip, will verify progress every single step of the way.

Title II of the bill would extend and expand VA’s authority to use contract examinations during its disability examination process. VA’s use of contract providers serves two purposes. First, because quality and timely exams are an essential component of the claims process, having additional providers to assist in the effort is critical. Second, use of non-VA examiners frees up the time that VA medical professionals can spend treating veterans at clinics and hospitals.

Finally, title III would require the Secretary of Defense to catalog all Vietnam-era ships as serving in either “blue” or “brown” water for purposes of awarding service-connection on a presumptive basis to veterans potentially exposed to agent orange. Currently, only veterans serving in the inland waterways, or “brown” waters, of Vietnam are eligible for compensation on a presumptive basis. The problem is that some vessels which served offshore in the “blue” waters of Vietnam sent smaller vessels ashore. Without an accurate cataloging of these visits, compensation may unfairly be denied to deserving veterans. This provision will assist VA in making accurate decisions in this sensitive area.

Enactment of H.R. 2189 will not completely solve the claims backlog, but I do think it is a good step in the right direction. I thank the subcommittee chairman, Mr. RUNYAN, and his ranking member, Ms. TITUS, for their hard work in moving the bill through the subcommittee as well. Everybody on the committee worked together to bring this piece of legislation to the floor tonight.

I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I rise in support of H.R. 2189, as amended, and I yield myself such time as I may consume.

Mr. Speaker, H.R. 2189, as amended, is a bipartisan omnibus bill addressing veterans’ disability benefits and compensation. This bill includes provisions from nine other measures. These bills are part of the slate of commonsense legislation introduced in May of this year. It provides the Department of Veterans Affairs with additional tools and reforms to assist in eliminating the backlog.

Included are provisions from H.R. 2086, the Pay As You Rate Act, introduced by the Disability Assistance and Memorial Affairs Subcommittee ranking member, Representative TITUS of Nevada; H.R. 1809, the Faster Filing Act, introduced by Representative O’ROURKE from Texas; H.R. 1623, the Claims Efficiency Through Information Act, introduced by Representative NEGRETTE MCLEOD of California; H.R. 1759, introduced by Representative

RUIZ of California; H.R. 1805, the Veterans Claims Efficiency Through Automation Act, introduced by Representative KUSTER of New Hampshire; H.R. 1824, the VA Regional Office Accountability Act, introduced by Representative MENG of New York; H.R. 1521, the Disabled Veterans Red Tape Reduction Act, introduced by Representative SEAN PATRICK MALONEY of New York; H.R. 864, which will designate at least one city in the United States each year as an "American World War II City," introduced by Representative MCINTYRE of North Carolina; and H.R. 1288, the World War II Merchant Mariner Service Act, introduced by Representative BUTTERFIELD of North Carolina.

Collectively, H.R. 2189, as amended, gives VA real, useful tools they can begin using now. These tools will assist the Department of Veterans Affairs in making significant progress on its goal of eliminating the backlog by 2015.

The legislation will require VA to pay veterans more quickly. It will provide them with information that may lead to veterans receiving a quicker decision on their claims. It will formulate a task force to attack the growing appeals backlog, and it will require the VA to start tracking information that will help them better understand the claims inventory.

I want to thank my colleagues on both sides of the aisle for their bipartisan effort to create a smart, pragmatic solution. Together we will help VA provide better benefits and services to our veterans. I also want to thank the staff on both sides of the aisle for their work on this legislation. I urge my colleagues to support H.R. 2189, as amended.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. RUNYAN), who chairs the Subcommittee on Disability Assistance and Memorial Affairs.

Mr. RUNYAN. Mr. Speaker, I thank Chairman MILLER for yielding to me.

As chairman of the House Veterans' Subcommittee on Disability Assistance and Memorial Affairs, I am keenly aware that one of the most critical issues impacting our Nation's veterans is the severe veterans' claims backlog.

Recently, the Department of Veterans Affairs reported it had a backlog of more than 400,000 veterans' benefits claims as the fiscal year ended in September. This is simply unacceptable. To help speed up the veterans' claims process, we must look at every phase of that process.

One of the first steps in this process is the medical exam to determine benefit eligibility. That is why earlier this year I introduced H.R. 2423, the Disabled Veterans' Access to Medical Exams Improvement Act, provisions of which are now contained within section 201 of H.R. 2189. This section would extend the authority of the Secretary of Veterans Affairs to enter into contracts with private physicians to conduct veterans' medical disability evaluations.

With the passage of this bill, this successful program allowing physicians outside the VA to conduct contract examinations would continue for an additional 3 years, until 2016. This would allow VA to more quickly evaluate veterans' disabilities and facilitate quicker access to the care they need.

Second, this bill would also extend license portability to contract examination providers, meaning that physicians with an active State license may provide C&P exams in other States because they are working on behalf of the Federal Government. Although the VA and DOD already provide license portability for physicians working directly for them, this authority is not extended to contract examination providers. This provision is designed to facilitate the C&P examination process by allowing contract physicians the flexibility to travel and assist in areas that are experiencing lengthy delays in scheduling examinations.

Finally, this piece of legislation would also expand the number of VA regional offices that would utilize contract examinations from 10 to 15. These medical examinations are a key component of the disability claims process. By expanding the authority and scope of the contract examinations process, veterans would receive the necessary medical evidence for their claim in a timely manner.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MILLER of Florida. I yield an additional 30 seconds to the gentleman.

Mr. RUNYAN. Mr. Speaker, I thank the chairman.

This would reduce overall claim development and processing time, resulting in the faster issuance of a final decision for the claim.

I support H.R. 2189, as amended to include my provision, and encourage all Members to support this important bill for veterans.

Mr. MICHAUD. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Mr. Speaker, I thank Mr. MICHAUD for yielding to me.

As ranking member of the Subcommittee on Disability Assistance and Memorial Affairs, I strongly support the bill before us, the omnibus bill, H.R. 2189.

This legislation includes my bill, H.R. 2086, the Pay As You Rate Act, which would require the VA to pay benefits to veterans as individual components of their claims are reviewed rather than at the completion of the entire claim.

Currently, veterans typically receive payments when all medical conditions within a claim are fully adjudicated. Veterans returning from Iraq and Afghanistan average 8.5 components in their claims. While some of these are very complex and time-consuming, other components are simpler.

The Pay As You Rate Act will require the VA to pay veterans as individual medical conditions are adju-

dicated, providing tens of thousands of veterans and their families much-needed financial support while the VA continues to work on the more complex aspects of their claims.

I thank Chairman MILLER, Ranking Member MICHAUD, and Chairman RUNYAN for including my provision and other Democratic bills in this legislation.

Collectively, the legislation before us today should assist VA in its continued effort to transform the claims process from mountains of paper to a more efficient, effective electronic system. In just the past few months, the VA has made great strides in serving our Nation's heroes by reducing the benefits backlog. The VA has set ambitious goals, and Congress should work to support those efforts. More needs to be done, and it needs to be done quickly to ensure that veterans receive the benefits they have earned in a timely fashion.

I am also pleased to have worked with Chairman MILLER on some of the task force provisions of this legislation. The provision that I added at the full committee markup would improve the proposed task force by including a subcommittee to look at the appeals process. While the VA is making significant progress in reducing the backlog, it is important that we are not creating a new backlog of appeals in the years to come. This subcommittee would be charged with making recommendations aimed at preventing that future backlog of appeals.

So I thank you, and I support the bill.

Mr. MILLER of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. ROONEY).

□ 1645

Mr. ROONEY. Mr. Speaker, I rise today in support of the Veterans Pension Protection Act as part of this important legislation.

Last year, veterans groups came to my office with a problem called "pension poaching" that targets retired veterans. Currently, the VA only considers income at the time a veteran applies for benefits, meaning it can't determine if an applicant has diverted assets to qualify for benefits.

Under this scam, unethical financial advisers and firms prey on elderly veterans by promising to help them qualify for VA pension benefits if they divert their assets into trusts or annuities and charge excessive fees for their services. GAO has identified this fraud as a major weakness in the VA pension program, leaving taxpayers and retired veterans on the hook.

My bill imposes a 36-month look-back period that would track veterans' incomes to determine if they are truly eligible. This will discourage financial predators from duping elderly veterans, help reduce the claims backlog, and ensure that low-income individuals for whom the program was intended are not robbed of their benefits.

I want to thank Congressmen SCHRAEDER, BILIRAKIS, and BARBER for their work on this bill, and especially Chairman MILLER for including it as part of this package to improve services for our Nation's veterans.

Mr. MICHAUD. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. NEGRETE MCLEOD).

Mrs. NEGRETE MCLEOD. Mr. Speaker, I rise to support H.R. 2189, which includes provisions from the VA Claims Efficiency Through Information Act of 2013, which I introduced in April, that will require VA to track the time spent evaluating each medical condition in a disability compensation claim. VA would have to report the number of completed claims by region and by medical condition for the current and preceding month and year.

As Veterans Day approaches, we should remember veterans who are struggling to find work while living with service-connected disabilities. VA compensation is needed so veterans can support themselves and avoid homelessness.

The VA's legacy paper system has made it difficult to process claims of older veterans who need additional compensation later in life. Claims of younger veterans can also take longer to process because they have multiple medical conditions.

The claims backlog is a serious problem for the VA and the U.S. Department of Veterans Affairs. Since July, the Los Angeles regional office has reduced the average time to process claims from 600 days to 400 days. The VA still has a long way to go to meet its own goal of 125 days, and the backlog will not end overnight and may even go up as more men and women apply for benefits.

No one is looking at directing blame but, instead, searching for a way to work together, and Congress and the VA must be willing to explore new methods for delivering services to veterans in the 21st century for the growing veteran population.

I thank Mr. MILLER for allowing my bill to be included in his.

Mr. MILLER of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from Colorado (Mr. COFFMAN), the chairman of the Subcommittee on Oversight and Investigations.

Mr. COFFMAN. Mr. Speaker, I would like to thank Chairman MILLER and Ranking Member MICHAUD for their leadership on the committee and their commitment to maintaining strong oversight over the VA and their goal to reduce the backlog.

During my time on the House Veterans' Affairs Committee, I have enjoyed the strong bipartisanship and the committee's dedication to get results for our veterans. Whether it is between Ranking Member KIRKPATRICK and me on the Oversight Committee or Chairman MILLER and Ranking Member MICHAUD on the full committee, we all share the same desire to help our veterans and do everything we can to help

the VA operate more efficiently and effectively.

Fortunately for our veterans, this desire to help goes beyond the Veterans' Affairs Committee and is present in the entire House of Representatives. Earlier this year, I, along with 150 Members of the House, sent a letter to the President urging his immediate action to reduce this backlog.

Today, the House will have another opportunity to show its unity for veterans in passing H.R. 2189. This bill will aid the VA by establishing a task force to evaluate the backlog of veterans' disability claims, ensuring the VA will find innovative ways to reduce the backlog.

Currently, there are over 400,000 claims that have been waiting for over 125 days to process.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MILLER of Florida. I yield the gentleman an additional 30 seconds.

Mr. COFFMAN. Although the VA has made some progress recently, the pace is still too slow for many of our veterans waiting for their claims to be processed.

As a Marine Corps combat veteran, I am proud to join my colleagues on the House Veterans' Affairs Committee to urge the passage of H.R. 2189. There are nearly 400,000 veterans in Colorado, and these men and women need Washington to step up and help the VA to reduce the backlog.

Mr. MICHAUD. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Hampshire (Ms. KUSTER).

Ms. KUSTER. Mr. Speaker, I thank Mr. MICHAUD and our chair.

As a member of the Veterans' Affairs Committee, I was proud that we worked together to draft this bipartisan legislative package to help get veterans' claims settled faster and more efficiently.

Today, I am happy to join my colleagues from both sides of the aisle in passing this package, which includes my bill, the Veterans Claims Efficiency Through Automation Act. This commonsense legislation will push the VA to focus on the greater use of automation to boost efficiency and settle claims faster.

As our servicemembers and veterans transition back to civilian life, it is imperative that the VA and the DOD continue to collaborate on improving the delivery of care, eliminating the claims backlog, and mitigating the impact of sequestration.

It is simply unacceptable that so many of our heroic veterans are unable to get timely access to the care and services that they have earned. This bill is an important step toward addressing this problem, and I will keep fighting to end the backlog until the job is done.

We owe it to our men and women in uniform, to our veterans, and to our military families to do all that we can to ensure that their benefits and other services transfer from the Department

of Defense to the Veterans Administration. I look forward to continuing to work with my colleagues on both sides of the aisle to ensure effective and timely collaboration between the two departments and to eliminate this claims backlog once and for all.

Mr. MILLER of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Kinderhook, New York (Mr. GIBSON).

Mr. GIBSON. Mr. Speaker, as I rise in support of the bill, I thank the chairman, the ranking member, and all the members of the committee and the staff for their work.

Our veterans deserve our very best effort, and it is simply taking too long to process these claims. We have got to do better. I believe this bill will take a step in the right direction.

I also appreciate the leadership of this committee including one of my bills along with this bill.

Since arriving here, I have been working on supporting our Vietnam veterans who have been exposed to agent orange. The chairman mentioned that if you served on the ground or in the river in the Navy, you get presumed coverage; but if you served just offshore, you don't get that presumed coverage. I believe that needs to change.

I have the bill to do that. Until the time of such policy change, I believe the DOD and VA need to be better organized so that we can work this out on a case-by-case basis, which is what we are doing right now. The leadership was kind enough to include that bill in this effort. I think we are going to make a positive difference.

I do want to give a shout-out to a couple of ladies in upstate New York making a difference, Carol Olszanecki and Susie Belanger, for the work that they have done on this, and we are going to continue to work it together.

I urge support of this bill.

Mr. MICHAUD. Mr. Speaker, at this time I yield 2 minutes to the gentleman from Texas (Mr. O'ROURKE).

Mr. O'ROURKE. Mr. Speaker, I rise in strong support of this legislation, which will help us to reduce the unacceptably long wait times for our veterans who are waiting to hear back on service-connected disability claims.

In El Paso, Texas, I have the honor of representing almost 80,000 veterans. Right now, their average wait time out of the Waco regional office is nearly 460 days to hear back on a service-connected disability claim. I visited that office not too long ago and witnessed people carrying around the claims files for single veterans in hand trucks with the files and the paperwork measuring 3 to 4 feet in some cases.

That is why, along with PAUL COOK, I introduced bipartisan legislation earlier this year to work with no cost to reduce that wait time by informing veterans of the average wait time to file a disability claim amongst all available methods. From the slowest, which is an incomplete paper-based

claim, to the fastest, which is a fully developed claim filed online.

I am pleased that this legislation in section 109 includes this bill called the Faster Filing Act. I am convinced it will help us to get our veterans the response in the time they deserve. After all, they have sacrificed their health, their security, and their safety for ours. We need to meet our end of the obligation.

I want to thank Chairman MILLER and Ranking Member MICHAUD. I also want to thank Mr. BROUN from the committee staff and Erin Snow from my legislative team for helping to write the legislation. And I encourage all of my colleagues in the House to pass this without delay.

Mr. MILLER of Florida. Mr. Speaker, it is my honor to yield 1 minute to the gentleman from the 12th District of Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Speaker, I rise in strong support of H.R. 2189. This legislation is an important step forward in addressing and resolving the VA's disability claims backlog.

We owe our veterans a debt of gratitude that can never be repaid. Unfortunately, veterans in western Pennsylvania and around the Nation are forced to endure excessive wait times for their disability claims to be processed. That is unacceptable, and our veterans deserve better.

Finding ways to better serve our veterans is one of my top priorities in Congress. The legislation we are considering today increases reporting and oversight, improves coordination between the VA and other Federal agencies, provides more training for VA claims processors, and establishes a task force to look for other ways to address the backlog. Together these actions will bring transparency and accountability to the VA all in an effort to improve customer service to our veterans and their families.

I thank House Veterans' Affairs Committee Chairman JEFF MILLER, Ranking Member MICHAUD, and Majority Whip KEVIN MCCARTHY for their leadership; and I look forward to continuing to work with them to find ways to better serve our veterans.

Mr. MICHAUD. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I want to thank the ranking member for yielding me time, and I also want to thank Chairman MILLER for his hard work on this bill.

Mr. Speaker, I rise in support of H.R. 2189. This legislation takes important steps to address the deplorable disability claims backlog at the Veterans Affairs Administration.

It does so by establishing a special task force to evaluate the full extent of the backlog and, more importantly, to determine solutions to eliminate the backlog. We all agree our veterans deserve better.

It is in this same spirit that I introduced H.R. 2185, Veterans Day Moment

of Silence Act. This bill brings together all Americans to observe 2 minutes of silence each Veterans Day. It is a time when we all, regardless of ideology, can stop and reflect on the brave service of generations of U.S. veterans.

I want to thank Chairman MILLER and Ranking Member MICHAUD for including the text of my bill into the text of H.R. 2189. Particularly, I want to thank Daniel and Michael Bendetson and their father, Dr. Peter Bendetson. As a family, they have worked relentlessly to bring the moment-of-silence provision to fruition, and I am honored to present this proposal today on their behalf in this 113th Congress.

Again, I am thankful to Mr. MICHAUD and to Chairman MILLER for enabling this provision to come to a vote today, and I urge my colleagues to support H.R. 2189. It is a very timely bill. With hundreds of thousands of returning veterans from Iraq and Afghanistan and with over 700,000 veterans waiting for disability determinations, it is a very important bill.

Mr. MILLER of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCCARTHY), the majority whip, who has been a strong supporter of veterans issues in this legislative body.

□ 1700

Mr. MCCARTHY of California. Mr. Speaker, I rise today in support of H.R. 2189, legislation that will provide real relief to hundreds of thousands of our Nation's veterans.

I first want to thank Chairman MILLER because this bill includes the provisions that are a result of the GAO audit that Chairman MILLER and I requested on the Department of Veterans Affairs due to the numerous complaints from veterans in all of our districts who had to wait months and, oftentimes, years for benefits. The audit confirmed these veterans' worst complaints about the severity of the claims and the backlog.

The GAO identified the Los Angeles regional office, which serves many of my local veterans in my home district, as one of the worst in the country. According to the current data, 61 percent of the over 16,000 claims are still backlogged.

Recent data from the VA shows that the Department processed 100,000 less claims than they planned for fiscal year 2013. Clearly, the VA is unable to implement needed reforms themselves.

This legislation today addresses the backlog problems in the VA by focusing on streamlining required paperwork and communications between Federal agencies and ensuring continued and, if needed, relentless congressional oversight of the administration's timeline to clear the compensation claims backlog.

When called to serve the United States of America, our Nation's veterans have answered. It is time Congress and the Department of Veterans Affairs answer their call as well.

Mr. Speaker, I urge my colleagues to join me in supporting our veterans and supporting this bill to end the backlog.

Mr. MICHAUD. Mr. Speaker, I have no further speakers. I would encourage my colleagues on both sides of the aisle to support H.R. 2189, as amended.

Once again, I want to thank Chairman MILLER and his staff for working very diligently on this piece of legislation, along with my staff on the minority side, and for bringing this forward.

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

Mr. MILLER of Florida. Mr. Speaker, H.R. 2189 is a strong step forward in helping to resolve the severe backlog of disability claims that exist today at the Department of Veterans Affairs.

I thank all the members of our committee for their bipartisan work on this bill, and I urge my colleagues to join us in passing H.R. 2189, as amended.

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

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in support of H.R. 2189, legislation to establish a commission to evaluate the backlog of disability claims at the Department of Veterans Affairs.

Although the VA has made important progress on reducing the backlog over the past several months, it still fell nearly 100,000 claims short of its Fiscal Year 2013 processing goal. As of October 19th, more than 400,000 disability claims remain backlogged at the VA. This problem persists despite the fact that Congress has given the VA every resource that they have asked for to end this problem. We must remain committed to a goal of completely eliminating this backlog.

Our veterans deserve timely processing of claims so that they can get the care and compensation that they so deserve. The legislation before us today will get us closer to that goal by establishing a task force to evaluate the backlog and appeals process of claims. Furthermore, H.R. 2189 directs the commission to analyze potential improvements to the current system and solutions to solve the problem and in turn requires the VA to implement appropriate solutions.

Our brave men and women in uniform put their lives on the line to protect our freedoms, and we must do everything in our power to demonstrate our gratitude for their dedication and sacrifice. A first step in that process is ensuring that our veterans are not forced to wait hundreds of days simply to have their disability claims processed.

Mr. Speaker, we owe our veterans efficient and effective care. I urge my colleagues to join me in supporting H.R. 2189 so that we can find a solution to ending the backlog once and for all.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 2189, 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. MICHAUD. 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, further proceedings on this motion will be postponed.

VETERANS ECONOMIC OPPORTUNITY ACT OF 2013

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2481) to amend title 38, United States Code, to codify and improve the election requirements for the receipt of educational assistance under the Post-9/11 Educational Assistance program of the Department of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2481

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 Economic Opportunity Act of 2013”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 38, United States Code.
- Sec. 3. Scoring of budgetary effects.
- Sec. 4. Establishment of Veterans Economic Opportunity Administration of Department of Veterans Affairs.
- Sec. 5. Under Secretary for Veterans Economic Opportunity.
- Sec. 6. Five-year extension of homeless veterans reintegration programs.
- Sec. 7. Entitlement of children of certain deceased veterans to educational assistance under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs.
- Sec. 8. Recodification and improvement of election process for Post-9/11 Educational Assistance Program.
- Sec. 9. Centralized reporting of veteran enrollment by certain groups, districts, and consortiums of educational institutions.
- Sec. 10. Extension of loan guaranty fee for certain subsequent loans.
- Sec. 11. Mortgage protection for members of the Armed Forces, surviving spouses, and certain veterans.
- Sec. 12. Treatment of relocation for active duty for purposes of mortgage refinancing.
- Sec. 13. Requirements for lending institutions that are creditors for obligations and liabilities covered by the Servicemembers Civil Relief Act.
- Sec. 14. Protection of child custody arrangements for parents who are members of the Armed Forces.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory

Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 4. ESTABLISHMENT OF VETERANS ECONOMIC OPPORTUNITY ADMINISTRATION OF DEPARTMENT OF VETERANS AFFAIRS.

(a) ECONOMIC OPPORTUNITY ADMINISTRATION.—

(1) IN GENERAL.—Part V is amended by adding at the end the following new chapter:

“CHAPTER 80—VETERANS ECONOMIC OPPORTUNITY ADMINISTRATION

“8001. Organization of Administration.

“8002. Functions of Administration.

“§ 8001. Organization of Administration

“(a) VETERANS ECONOMIC OPPORTUNITY ADMINISTRATION.—There is in the Department of Veterans Affairs a Veterans Economic Opportunity Administration. The primary function of the Veterans Economic Opportunity Administration is the administration of the programs of the Department which provide assistance related to economic opportunity to veterans and their dependents and survivors.

“(b) UNDER SECRETARY FOR ECONOMIC OPPORTUNITY.—The Veterans Economic Opportunity Administration is under the Under Secretary for Veterans Economic Opportunity, who is directly responsible to the Secretary for the operations of the Administration.

“§ 8002. Functions of Administration

“The Veterans Economic Opportunity Administration is responsible for the administration of the following programs of the Department:

“(1) Vocational rehabilitation and employment programs.

“(2) Educational assistance programs.

“(3) Veterans’ housing loan and related programs.

“(4) The veterans small business program under section 8127 of this title.”.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and of part V of title 38, United States Code, are each amended by inserting after the item relating to chapter 79 the following new item:

“80. Veterans Economic Opportunity Administration 8001”.

(b) EFFECTIVE DATE.—Chapter 80 of title 38, United States Code, as added by subsection (a) shall take effect on October 1, 2014.

SEC. 5. UNDER SECRETARY FOR VETERANS ECONOMIC OPPORTUNITY.

(a) UNDER SECRETARY.—

(1) IN GENERAL.—Chapter 3 is amended by inserting after section 306 the following new section:

“§ 306A. Under Secretary for Veterans Economic Opportunity

“(a) UNDER SECRETARY.—There is in the Department an Under Secretary for Veterans Economic Opportunity, who is appointed by the President, by and with the advice and consent of the Senate. The Under Secretary for Veterans Economic Opportunity shall be appointed without regard to political affiliation or activity and solely on the basis of demonstrated ability in—

“(1) information technology; and

“(2) the administration of programs within the Veterans Economic Opportunity Administration or programs of similar content and scope.

“(b) RESPONSIBILITIES.—The Under Secretary for Veterans Economic Opportunity is

the head of, and is directly responsible to the Secretary for the operations of, the Veterans Economic Opportunity Administration.

“(c) VACANCIES.—(1) Whenever a vacancy in the position of Under Secretary for Veterans Economic Opportunity occurs or is anticipated, the Secretary shall establish a commission to recommend individuals to the President for appointment to the position.

“(2) A commission established under this subsection shall be composed of the following members appointed by the Secretary:

“(A) Three persons representing education and training, vocational rehabilitation, employment, real estate, mortgage finance and related industries, and survivor benefits activities affected by the Veterans Economic Opportunity Administration.

“(B) Two persons representing veterans served by the Veterans Economic Opportunity Administration.

“(C) Two persons who have experience in the management of private sector benefits programs of similar content and scope to the economic opportunity programs of the Department.

“(D) The Deputy Secretary of Veterans Affairs.

“(E) The chairman of the Veterans’ Advisory Committee on Education formed under section 3692 of this title.

“(F) One person who has held the position of Under Secretary for Veterans Economic Opportunity, if the Secretary determines that it is desirable for such person to be a member of the commission.

“(3) A commission established under this subsection shall recommend at least three individuals for appointment to the position of Under Secretary for Veterans Economic Opportunity. The commission shall submit all recommendations to the Secretary. The Secretary shall forward the recommendations to the President and the Committees on Veterans’ Affairs of the Senate and House of Representatives with any comments the Secretary considers appropriate. Thereafter, the President may request the commission to recommend additional individuals for appointment.

“(4) The Assistant Secretary or Deputy Assistant Secretary of Veterans Affairs who performs personnel management and labor relations functions shall serve as the executive secretary of a commission established under this subsection.

(d) QUALIFICATIONS OF RECOMMENDED INDIVIDUALS.—Each individual recommended to the President by the commission for appointment to the position of Under Secretary for Veterans Economic Opportunity shall be an individual who has held a senior level position in the private sector with responsibilities relating to at least one of the following:

“(1) Education policy.

“(2) Vocational rehabilitation.

“(3) Employment.

“(4) Home loan finance.

“(5) Small business development.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 306 the following new item:

“306A. Under Secretary for Veterans Economic Opportunity.”.

(b) CONFORMING AMENDMENTS.—Title 38, United States Code, is further amended—

(1) in section 306(c)(2), by striking subparagraphs (A) and (E) and redesignating subparagraphs (B), (C), (D), and (F), as subparagraphs (A) through (D), respectively;

(2) in section 317(d), by inserting after “Under Secretary for Benefits,” the following: “the Under Secretary for Veterans Economic Opportunity,”;

(3) in section 318(d)(2), by inserting after “Under Secretary for Benefits,” the following: “the Under Secretary for Veterans Economic Opportunity,”;