

is certainly no different. I ask you to join me in commending them for the important and necessary role they play in society by working tirelessly to help an expanding number of adults who desire to remain vital and active in their later years.

EARMARK DECLARATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. POE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act for FY09.

Account: Army, RDT&E, Army Missile Defense Systems Integration (Non-Space).

Legal Name of Requesting Entity: Lamar University.

Address of Requesting Entity: 4400 MLK Blvd., P.O. Box 10009, Beaumont, TX 77710.

Description of Request: The Advanced Fuel Cell Research Program (AFC) at Lamar University is currently operating fuel cell test beds on behalf of U.S. Army Space and Missile Defense Command (USASMDC) that simulates power requirements and characterizes alternative power and storage capabilities for a wide variety of USASMDC systems. Critical need continues to exist for an efficient and clean advanced renewable energy source to meet urgent U.S. Army space and missile defense battlefield requirements. AFC continues to develop, test and validate advanced fuel cell technologies necessary to enable lightweight, power efficient, environmentally clean, and cost-effective renewable energy technology and products for Army space and missile defense systems including: sensors, radars, weapons, and communications. The FY09 request will leverage fuel cell technology achievements funded through previous DoD Appropriations bills by transitioning prototype lightweight fuel cells into Army renewable power products. UAV (unmanned aerial vehicle) prototypes integrated with the AFC-developed fuel cells will be flight-tested and demonstrated under field conditions to validate reliable, long duration, and quality power for missile defense situational awareness missions. The AFC's advanced hydride fuel cell will validate the UAV's unique long loitering time and stealth capabilities for critical extended endurance surveillance missions. Amount Received: \$3,000,000. These funds will be used to pay labor costs for 22 full time personnel, lab and test bed equipment and supplies, and facilities improvement.

Account: Department of Homeland Security, U.S. Coast Guard Bridge Replacement.

Legal Name of Requesting Entity: Gulf Intra-coastal Canal Association.

Address of Requesting Entity: 2010 Butler Drive, Friendswood, TX 77546.

Description of Request: Galveston Causeway Railroad Bridge Replacement. Today, 21 thousand barges move 29 million tons of cargo worth \$10 billion through the Galveston Bridge each year. In 2001, after a lengthy review process, the bridge was declared a haz-

ard to navigation by the Coast Guard under the Truman Hobbs Act. The current estimated cost of replacement is almost \$68 million. This request is consistent with the intended and authorized purpose of the Department of Homeland Security, U.S. Coast Guard, under the Truman Hobbs Act. Amount Received: \$4,000,000. Under the Truman Hobbs Act, the federal government pays 90 percent of replacement cost and the bridge owner, Galveston County pays 10 percent.

**VETERANS' BENEFITS
IMPROVEMENT ACT OF 2008**

SPEECH OF

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. FILNER. Madam Speaker, I submit the following:

S. 3023, as amended, the Veterans' Benefits Improvement Act of 2008, reflects a Compromise Agreement reached by the House and Senate Committees on Veterans' Affairs (the Committees) on the following bills reported during the 110th Congress: H.R. 674; H.R. 3681, as amended; H.R. 3889, as amended; H.R. 4255, as amended; H.R. 5664, as amended; H.R. 5892, as amended; H.R. 6221, as amended; H.R. 6225, as amended, and H.R. 6832 (House Bills); S. 1315, as amended; and S. 3023, as amended (Senate Bills).

H.R. 674 passed the House on July 31, 2008; H.R. 3681, as amended, passed the House on May 20, 2008; H.R. 3889, as amended, passed the House on May 20, 2008; H.R. 4255, as amended, passed the House on July 31, 2008; H.R. 5664, as amended, passed the House on May 20, 2008; H.R. 5892, as amended, passed the House on July 30, 2008; H.R. 6221, as amended, passed the House on July 31, 2008; H.R. 6225, as amended, passed the House on July 31, 2008; H.R. 6832 passed the House on September 11, 2008; S. 1315, as amended, passed the Senate on April 24, 2008, and passed the House, as amended, on September 22, 2008; and S. 3023, as amended, passed the Senate on September 16, 2008.

The Committees have prepared the following explanation of S. 3023, as further amended, to reflect a Compromise Agreement between the Committees. Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

**TITLE I—COMPENSATION AND PENSION
MATTERS**

**REGULATIONS ON CONTENTS OF NOTICE
TO BE PROVIDED CLAIMANTS BY THE
DEPARTMENT OF VETERANS AFFAIRS
REGARDING THE SUBSTANTIATION OF
CLAIMS**

CURRENT LAW

Under current law, the Secretary has general authority to issue regulations.

SENATE BILL

Section 101 of S. 3023, as amended, would amend subsection (a) of section 5103 of title 38, United States Code, to add a new paragraph that would require the Department of Veterans Affairs (VA) to promulgate regulations specifying the content of notices required by the Veterans Claims Assistance Act (VCAA). The regulations required by S.

3023 would provide that the notice specify for each type of claim for benefits the general information and evidence required to substantiate the claim. The regulations would specify different content of the notices depending on the type of claim concerned, whether it be an original claim, a claim for reopening, or a claim for increase in benefits. The Senate bill would provide authority for additional or alternative content for notice if appropriate to the particular benefit or services sought under the claim. The regulations would also be required to include in the notice the time period within which such information and evidence must be submitted. The provision would be applicable only to notices which would be sent on or after the date the regulations are effective.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 101 of the Compromise Agreement generally follows the Senate language.

The Committees note that the notice required by section 5103 applies to all types of applications for benefits and services. While the Committees recognize that veterans seeking service-connected compensation are most likely to receive VCAA notices, the Compromise Agreement specifically provides that the notice shall provide that the content of notices be appropriate to the type of benefits or services sought. The Committees intend that the Compromise Agreement would require a notice involving a pension claim to have different content than a notice concerning a clothing allowance or a claim for specially adapted housing.

The Committees emphasize that VCAA notices are required only in cases in which additional information or evidence is needed to substantiate the claim. If the information and evidence needed to substantiate the claim is submitted with the application or contained in the claims file, no VCAA notice is required. For example, claims for education, health care, housing, vocational rehabilitation, and burial benefits might contain sufficient information and evidence to substantiate the claim without the necessity of a VCAA notice.

In other respects, the Committees agree that Senate Report 110-148 contains a full explanation of the provision contained in the Compromise Agreement.

**JUDICIAL REVIEW OF ADOPTION AND
REVISION BY THE SECRETARY OF VET-
ERANS AFFAIRS OF THE SCHEDULE OF
RATINGS FOR DISABILITIES OF VET-
ERANS**

CURRENT LAW

Under current law, section 502 of title 38, judicial review of actions involving VA's rating schedule for disabilities is prohibited.

SENATE BILL

Section 102 of S. 3023, as amended, would authorize the United States Court of Appeals for the Federal Circuit to review VA actions relating to the adoption or revision of the VA disability rating schedule in the same manner as other comparable actions of the Secretary are reviewed.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 102 of the Compromise Agreement follows the Senate language.