

S 2237

Veterans Benefits Improvement Act of 2002

Congress: 107 (2001–2003, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

Introduced: Apr 24, 2002

Current Status: Became Public Law No: 107-330.

Latest Action: Became Public Law No: 107-330. (Dec 6, 2002)

Law: 107-330 (Enacted Dec 6, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/senate-bill/2237>

Sponsor

Name: Sen. Rockefeller, John D., IV [D-WV]

Party: Democratic • State: WV • Chamber: Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Hutchinson, Tim [R-AR]	R · AR		Jul 30, 2002

Committee Activity

Committee	Chamber	Activity	Date
Veterans' Affairs Committee	Senate	Reported By	Aug 1, 2002

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
107 HR 3731	Related bill	Oct 8, 2002: Received in the Senate.
107 HR 4017	Related bill	Jul 25, 2002: Subcommittee Hearings Held.
107 HR 5055	Related bill	Jul 23, 2002: Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.
107 S 2230	Related bill	Apr 23, 2002: Read twice and referred to the Committee on Veterans' Affairs. (text of measure as introduced: CR S3170)
107 S 2231	Related bill	Apr 23, 2002: Read twice and referred to the Committee on Veterans' Affairs. (text of measure as introduced: CR S3170-3171)
107 S 2205	Related bill	Apr 18, 2002: Read twice and referred to the Committee on Veterans' Affairs. (text of measure as introduced: CR S2964-2965)
107 S 2079	Related bill	Apr 9, 2002: Read twice and referred to the Committee on Veterans' Affairs.
107 S 2003	Related bill	Mar 8, 2002: Read twice and referred to the Committee on Veterans' Affairs. (text of measure as introduced: CR S1708)
107 S 1905	Related bill	Jan 29, 2002: Read twice and referred to the Committee on Veterans' Affairs. (text of measure as introduced: CR S236)
107 HR 2561	Related bill	Dec 20, 2001: Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.
107 S 1680	Related bill	Nov 13, 2001: Read twice and referred to the Committee on Veterans' Affairs.
107 S 1113	Related bill	Jun 27, 2001: Read twice and referred to the Committee on Veterans' Affairs. (text of measure as introduced: CR S6999)

Veterans Benefits Improvement Act of 2002 - **Title I: Compensation and Pension Matters** - Requires the payment of veterans' disability compensation to a woman veteran for the anatomical loss of half or more of the tissue of (currently, all of the tissue of) one or more breasts suffered as a result of a service-connected disability.

(Sec. 102) Provides that a veteran's hearing loss must be deafness compensable to a degree of ten percent or more (currently, total deafness) in one ear as a result of service-connected disability and deafness (currently, total deafness) in the other ear as the result of non-service-connected disability in order to qualify for disability compensation.

(Sec. 103) Considers the hearing loss and/or tinnitus of a veteran whose active military occupational specialty likely exposed such veteran to a high level of acoustic trauma to have been incurred in or aggravated by military service (and therefore to be compensable under veterans' disability compensation), notwithstanding that there is no record of evidence of such hearing loss or tinnitus during such service. Requires the Secretary of Veterans Affairs: (1) in determining which occupational specialties qualify as having such acoustic trauma, to take into account a report required to be submitted by the National Academy of Sciences (NAS) under this Act; (2) to report to the congressional veterans' committees on any determination that such a presumption is not warranted; and (3) to enter into an agreement with NAS or other appropriate scientific organization to perform the assessment of acoustic trauma associated with various military occupational specialties. Requires a report from: (1) the NAS to the Secretary concerning assessment activities; and (2) the Secretary to the veterans' committees on claims submitted for disability compensation or health care based on hearing loss or tinnitus.

(Sec. 104) Increases from \$600 to \$1,000 the monthly special pension for individuals entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll. Directs the Secretary to increase such amount by the same percentage that benefit amounts under title II (Old Age, Survivors and Disability Insurance) of the Social Security Act are increased each year after 2002. Requires the Secretary to make a lump-sum payment of such pension for the period between the act of valor for which the person was awarded the Medal of Honor and the date on which the special pension actually commenced.

(Sec. 105) Includes as a prohibited assignment of veterans' benefits any agreement entered into by a beneficiary under which another person acquires for consideration the right to receive any compensation, pension, or dependency and indemnity compensation of such beneficiary. Provides criminal penalties for violations. Directs the Secretary to conduct an outreach program to inform veterans and other potential recipients of such compensation or pension of the prohibition against the assignment of such benefits, including information on various schemes to evade the prohibition and means of avoiding such schemes.

(Sec. 106) Extends through FY 2011 the authority of the Secretary of the Treasury to furnish veterans' income information to the Department of Veterans Affairs for purposes of determining eligibility for various veterans' needs-based benefits.

Title II: Education Matters - Increases for FY 2003 through 2005 the amounts authorized to be paid by the Secretary to State and local agencies for the reimbursement of administrative expenses related to ascertaining the qualifications of educational institutions for furnishing courses to veterans and eligible beneficiaries under the Montgomery GI Bill and other veterans' educational assistance programs.

Title III: Housing Matters - Extends through FY 2005 the authority of the Secretary to guarantee adjustable rate mortgages through the Department for eligible veterans. Includes within such guaranteed mortgages hybrid adjustable

rate mortgages (mortgages whose interest rates are adjusted after as few as three years) which do not correspond to a specified national interest rate index approved by the Secretary.

Title IV: Other Benefits Matters - Amends the Soldiers' and Sailors' Civil Relief Act of 1940 to provide that duty performed with the National Guard mobilized by a State to carry out homeland security activities shall qualify as military service.

(Sec. 402) Prohibits persons convicted of or found to have committed a Federal or State capital crime from being furnished a presidential memorial certificate, a flag to drape a casket, or a headstone or marker for a grave. Removes the requirement of notification of the appropriate Federal official that a person avoided conviction of such capital crime through flight or death before the prohibition against the interment or memorialization of such person in national cemeteries may take effect.

Title V: Judicial, Procedural, and Administrative Matters - Requires the U.S. Court of Appeals for Veterans Claims (CAVC), before reversing a finding of fact made by the Board of Veterans' Appeals, to determine that such finding is unsupported by substantial evidence of record. Directs the CAVC, in making such determination, to review the record of proceedings before the Secretary and the Board.

(Sec. 502) Permits the Federal Circuit to review CAVC decisions on questions of law.

(Sec. 503) Allows the CAVC, when awarding attorney fees under the Equal Access to Justice Act, to award compensation to qualified non-attorney representatives appearing before the CAVC.

(Sec. 504) Applies the Veterans Claims Assistance Act of 2000 to any claim: (1) filed on or after November 9, 2000; or (2) filed and not final as of such date.

Actions Timeline

- **Dec 6, 2002:** Signed by President.
- **Dec 6, 2002:** Signed by President.
- **Dec 6, 2002:** Became Public Law No: 107-330.
- **Dec 6, 2002:** Became Public Law No: 107-330.
- **Nov 25, 2002:** Presented to President.
- **Nov 25, 2002:** Presented to President.
- **Nov 19, 2002:** Message on Senate action sent to the House.
- **Nov 18, 2002:** Resolving differences -- Senate actions: Senate concurred in the House amendments to the Senate bill by Unanimous Consent.(consideration: CR S11329-11338; text as Senate agreed to House amendment: CR S11329-11332)
- **Nov 18, 2002:** Senate concurred in the House amendments to the Senate bill by Unanimous Consent. (consideration: CR S11329-11338; text as Senate agreed to House amendment: CR S11329-11332)
- **Nov 15, 2002:** Mr. Army asked unanimous consent to take from the Speaker's table and consider.
- **Nov 15, 2002:** Considered by unanimous consent. (consideration: CR 11/14/2002 H8925-9007)
- **Nov 15, 2002:** Passed/agreed to in House: On passage Passed without objection.(text: CR 11/14/2002 H8998-9002)
- **Nov 15, 2002:** On passage Passed without objection. (text: CR 11/14/2002 H8998-9002)
- **Nov 15, 2002:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 15, 2002:** Message on House action received in Senate and at desk: House amendments to Senate bill.
- **Sep 30, 2002:** Message on Senate action sent to the House.
- **Sep 30, 2002:** Received in the House.
- **Sep 30, 2002:** Held at the desk.
- **Sep 26, 2002:** Measure laid before Senate by unanimous consent. (consideration: CR S9550-9559; text of measure as reported in Senate: CR S9550-9551)
- **Sep 26, 2002:** The committee substitute as amended agreed to by Unanimous Consent.
- **Sep 26, 2002:** Passed/agreed to in Senate: Passed Senate with an amendment and an amendment to the Title by Unanimous Consent.(text: CR S9556-9559)
- **Sep 26, 2002:** Passed Senate with an amendment and an amendment to the Title by Unanimous Consent. (text: CR S9556-9559)
- **Aug 1, 2002:** Committee on Veterans' Affairs. Reported by Senator Rockefeller with an amendment in the nature of a substitute and an amendment to the title. With written report No. 107-234.
- **Aug 1, 2002:** Committee on Veterans' Affairs. Reported by Senator Rockefeller with an amendment in the nature of a substitute and an amendment to the title. With written report No. 107-234.
- **Aug 1, 2002:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 542.
- **Jun 6, 2002:** Committee on Veterans' Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Apr 24, 2002:** Introduced in Senate
- **Apr 24, 2002:** Sponsor introductory remarks on measure. (CR S3305)
- **Apr 24, 2002:** Read twice and referred to the Committee on Veterans' Affairs. (text of measure as introduced: CR S3305-3306)