

S 2486

Veterans Benefits Improvement Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

Introduced: Jun 1, 2004

Current Status: Became Public Law No: 108-454.

Latest Action: Became Public Law No: 108-454. (Dec 10, 2004)

Law: 108-454 (Enacted Dec 10, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/2486>

Sponsor

Name: Sen. Specter, Arlen [R-PA]

Party: Republican • State: PA • Chamber: Senate

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Murkowski, Lisa [R-AK]	R · AK		Jun 1, 2004
Sen. Murray, Patty [D-WA]	D · WA		Jun 21, 2004

Committee Activity

Committee	Chamber	Activity	Date
Veterans' Affairs Committee	Senate	Reported By	Sep 20, 2004
Veterans' Affairs Committee	House	Referred To	Oct 9, 2004

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
108 HR 5153	Related bill	Oct 21, 2004: Referred to the Subcommittee on Benefits.
108 HR 4950	Related bill	Oct 5, 2004: Referred to the Subcommittee on Benefits.
108 HR 1716	Procedurally related	Aug 8, 2004: See S.2486.
108 HR 4659	Procedurally related	Jul 21, 2004: -Provision incorporated. See S. 2486, as amended, Title II, Sections 201 and 202.

Veterans Benefits Improvement Act of 2004 - **Title I: Veterans Earn and Learn Act** - Veterans Earn and Learn Act of 2004 - (Sec. 102) Charges the Montgomery GI Bill veterans' educational assistance entitlement for each month after September 30, 2005, that an eligible veteran is paid a job training assistance allowance through the Department of Veterans Affairs (Department). Increases such charge for any month in which the veteran fails to complete 120 hours of such training.

(Sec. 103) Increases by specified percentages or amounts, for months beginning on or after October 1, 2005, and before January 1, 2008, the assistance payable under the following veterans' educational assistance programs for each month in which an individual pursuing a full-time program of apprenticeship or other on-job training is also enrolled in a course of classroom instruction related to such training: (1) the Montgomery GI Bill; (2) the post-Vietnam era; (3) survivors and dependents; and (4) the Selected Reserve.

(Sec. 104) Allows an apprenticeship to be determined upon a specific period of time (time-based program) or upon the successful mastery of a skill (competency-based program), or upon a combination thereof. Directs State approving agencies, when determining the period of a competency-based program, to consider the approximate program term recommended in registered apprenticeship program standards recognized by the Secretary of Labor. Provides funding for FY 2005 for computer system modifications necessitated by the amendments made under this section.

(Sec. 105) Increases from 10 to 20 years the authorized period of educational assistance under the survivors and dependents educational assistance program for spouses of members of the Armed Forces who die while on active duty.

(Sec. 106) Makes veterans' educational assistance payments available for national tests for admission to institutions of higher learning or graduate schools, as well as for national tests providing an opportunity for course credit at institutions of higher learning. Provides for determination of the number of months of educational assistance entitlement to be charged against an individual for the cost of such tests.

(Sec. 107) Requires the Secretary of Defense, at the time of a servicemember's discharge or release from active-duty service, to furnish to the Secretary of Veterans Affairs (Secretary) pertinent information concerning each registered apprenticeship pursued by the servicemember during such service. Directs the Secretary, in turn, to encourage and assist States and private organizations to give appropriate credit to such servicemembers for the apprenticeship program in the case of similar pursuit of a civilian program.

(Sec. 108) Authorizes the Secretary, for up to three years, to conduct a pilot program for training Department employees to become qualified adjudicators of claims for veterans' compensation, dependency and indemnity compensation, and pensions. Requires initial and final program reports from the Secretary to Congress.

(Sec. 109) Provides for the collection of payment, by the Secretary of Defense, for educational assistance provided under the Montgomery GI Bill for members of the Selected Reserve called or ordered to active duty.

Title II: Employment Matters - Subtitle A: Employment and Reemployment Rights - (Sec. 201) Extends from 18 to 24 months the maximum period of employer-sponsored health care coverage that a person covered by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) may elect to receive while absent from employment due to military service.

(Sec. 202) Reinstates, for the Secretary of Labor, reporting requirements (currently terminated at the end of 2000)

relative to USERRA cases.

(Sec. 203) Requires employers to provide to entitled individuals notice of rights and duties under USERRA.

(Sec. 204) Directs the Secretary of Labor and the Office of Special Counsel to carry out a demonstration project through the end of FY 2007 under which certain claims against Federal agencies under USERRA are referred to the Office for assistance. Requires such Office to receive and investigate all USERRA-related prohibited personnel action claims. Requires the Comptroller General to periodically evaluate the demonstration project and report results to Congress.

Subtitle B: Other Matters - (Sec. 211) Directs the Secretary to contract with a qualified entity to conduct a study of, and prepare a report on, the employment histories of recently separated servicemembers. Provides study funding.

Title III: Benefits Matters - (Sec. 301) Increases by \$250 the monthly amount of dependency and indemnity compensation in the case of a surviving spouse with one or more children below the age of 18, to be payable until all such children have attained such age.

(Sec. 302) States that a radiation-exposed veteran who receives payments under the Radiation Exposure Compensation Act of 1990 shall not be deprived of the payment of any veterans' disability compensation or dependency and indemnity compensation to which such person is entitled, but there shall be deducted from such compensation the amount of any payment made under such Act.

(Sec. 303) Excludes life insurance proceeds from consideration as income for veterans' pension purposes.

(Sec. 304) Treats a disability incurred through Department treatment or vocational rehabilitation as a service-connected disability for purposes of eligibility for veterans' benefits. Provides for an offset against veterans' benefits in the amount of any judgment, settlement, or compromise received as a result of such treatment or rehabilitation.

(Sec. 305) Provides for the effective date of the award of veterans' death pension.

(Sec. 306) Presumes the following cancers to be service-connected, and therefore compensable under veterans' disability compensation, in the case of veterans exposed to ionizing radiation: bone, brain, colon, lung, and ovarian. Qualifies as a "radiation-risk activity," for purposes of veterans' benefits, service which, if performed by a Department of Energy employee, would qualify for inclusion as a member of the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000.

(Sec. 307) Codifies increases in the rates of veterans' disability compensation, additional compensation for dependents, the clothing allowance for certain disabled veterans, and dependency and indemnity compensation for surviving spouses and children, as enacted under the Veterans' Compensation Cost-of-Living Adjustment Act of 2003.

Title IV: Housing Matters - (Sec. 401) Authorizes the Secretary to provide specially adapted housing assistance for veterans whose disability is the result of the loss, or loss of use of, both upper arms at or above the elbow.

(Sec. 402) Authorizes the use of veteran volunteers in connection with the construction, alteration, and repair of multifamily transitional housing. Authorizes the leasing of space in areas of such housing for other commercial activities (currently only for neighborhood retail services and job training programs).

(Sec. 403) Replaces the \$60,000 maximum Department home loan guaranty to veterans for the construction or purchase of homes with an amount equal to 25 percent of the Freddie Mac conforming loan limit under the Federal Home Loan

Mortgage Corporation Act for a single-family residence, as adjusted for the year involved.

(Sec. 404) Extends through FY 2008 a demonstration project under which the Secretary shall guarantee adjustable rate mortgage loans to veterans in a manner similar to the manner in which the Secretary of Housing and Urban Development insures adjustable rate mortgages under provisions of the National Housing Act.

(Sec. 405) Extends through FY 2008 the hybrid adjustable rate mortgage guarantee demonstration program for veterans. Revises interest rate adjustment requirements with respect to such mortgages.

(Sec. 406) Terminates the collection of fees for Department-guaranteed home loans from veterans rated eligible for veterans' disability compensation as a result of a pre-discharge disability examination and rating.

(Sec. 407) Extends through 2008 (currently 2005) the Native American veteran housing loan pilot program.

Title V: Matters Relating to Fiduciaries - (Sec. 502) Amends Federal veterans' provisions relating to the care of an incompetent veteran or a veteran's minor or ward to require a fiduciary, in order to receive payment of benefits of a veteran or veteran's beneficiary on behalf of such veteran or beneficiary, to be certified on the basis of an inquiry or investigation conducted by the Secretary to determine fitness to serve as a fiduciary. Outlines inquiry or investigation requirements, and allows for an expedited inquiry or investigation under certain circumstances. Authorizes the Secretary to appoint temporary fiduciaries during such inquiries or investigations.

(Sec. 503) Prohibits a fiduciary from collecting a fee from a beneficiary for any month during which the Secretary or a court of competent jurisdiction determines that the fiduciary misused all or part of the individual's benefit. Provides for liability against fiduciaries for misused benefits. Requires the Secretary to reissue benefits in any case in which the negligent failure of the Secretary to investigate or monitor a fiduciary results in the misuse of benefits.

(Sec. 504) Authorizes the Secretary to: (1) conduct periodic onsite reviews of institutional fiduciaries; (2) require a fiduciary to file a report or accounting; and (3) redirect delivery of benefit payments when a fiduciary fails to provide a required accounting. Provides for: (1) civil monetary penalties against fiduciaries found in violation; and (2) judicial orders of restitution from violating fiduciaries.

(Sec. 505) Directs the Secretary to include in the Annual Benefits Report of the Veterans Benefits Administration or the Secretary's Annual Performance and Accountability Report information concerning fiduciaries who have been appointed to receive payments for beneficiaries of the Department.

Title VI: Memorial Affairs Matters - (Sec. 601) Designates the memorial to former prisoners of war and members listed as missing in action that is under construction at Riverside National Cemetery, California, as the Prisoner of War/Missing in Action National Memorial.

(Sec. 602) Authorizes the Secretary to lease any undeveloped land or unused or underutilized buildings or lots of the National Cemetery Administration. Allows a lease term of up to ten years. Establishes in the Treasury the National Cemetery Administration Facilities Operations Fund to cover costs incurred by such Administration in operating and maintaining its property.

(Sec. 603) Authorizes the Secretary to utilize exchanges in order to acquire lands needed for national cemeteries.

Title VII: Improvements to Servicemembers Civil Relief Act - (Sec. 701) Amends the Servicemembers Civil Relief Act to: (1) define "judgment" for purposes of the Act; (2) require a written waiver, separate from the obligation or liability in

question, of certain rights under the Act; (3) allow plaintiffs (currently only defendants) to request a stay of civil proceedings; and (4) require that a termination of a lease by a lessee entering into, or receiving orders for, military service shall also terminate any obligation that such lessee's dependent may have under the lease.

Title VIII: Other Matters - (Sec. 801) Requires the principal office of the United States Court of Appeals for Veterans Claims to be in the Washington, D.C., metropolitan area (currently, in the District of Columbia).

(Sec. 803) Extends through 2009 (currently 2003) a required biennial report from the Advisory Committee on Former Prisoners of War.

(Sec. 804) Provides administrative and judicial redress for preference eligible veterans and veterans separated from the Armed Forces under honorable conditions after three or more years of active duty who are denied the opportunity to compete for Federal employment.

(Sec. 805) Requires a report from the Secretary to Congress on: (1) outreach efforts of the Department to inform members of the Armed Forces and veterans of benefits and services available under laws administered by the Secretary; and (2) the current level of awareness of those members and veterans of such benefits and services.

Actions Timeline

- **Dec 10, 2004:** Signed by President.
- **Dec 10, 2004:** Signed by President.
- **Dec 10, 2004:** Became Public Law No: 108-454.
- **Dec 10, 2004:** Became Public Law No: 108-454.
- **Nov 29, 2004:** Presented to President.
- **Nov 29, 2004:** Presented to President.
- **Nov 17, 2004:** Mr. Smith (NJ) moved to suspend the rules and pass the bill.
- **Nov 17, 2004:** Considered under suspension of the rules. (consideration: CR H9749-9772)
- **Nov 17, 2004:** DEBATE - The House proceeded with forty minutes of debate on S. 2486.
- **Nov 17, 2004:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by voice vote.(text: CR H9749-9758)
- **Nov 17, 2004:** On motion to suspend the rules and pass the bill Agreed to by voice vote. (text: CR H9749-9758)
- **Nov 17, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **Oct 9, 2004:** Received in the House.
- **Oct 9, 2004:** Message on Senate action sent to the House.
- **Oct 9, 2004:** Referred to the House Committee on Veterans' Affairs.
- **Oct 8, 2004:** Measure laid before Senate by unanimous consent. (consideration: CR S10880-10892; text of measure as reported in Senate: CR S10880-10884)
- **Oct 8, 2004:** The committee substitute as amended agreed to by Unanimous Consent.
- **Oct 8, 2004:** Passed/agreed to in Senate: Passed Senate with an amendment and an amendment to the Title by Unanimous Consent.
- **Oct 8, 2004:** Passed Senate with an amendment and an amendment to the Title by Unanimous Consent.
- **Sep 20, 2004:** Committee on Veterans' Affairs. Reported by Senator Specter with an amendment in the nature of a substitute and an amendment to the title. With written report No. 108-352.
- **Sep 20, 2004:** Committee on Veterans' Affairs. Reported by Senator Specter with an amendment in the nature of a substitute and an amendment to the title. With written report No. 108-352.
- **Sep 20, 2004:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 706.
- **Jul 20, 2004:** Committee on Veterans' Affairs. Ordered to be reported with amendments favorably.
- **Jun 22, 2004:** Committee on Veterans' Affairs. Hearings held.
- **Jun 1, 2004:** Introduced in Senate
- **Jun 1, 2004:** Sponsor introductory remarks on measure. (CR S6288-6289)
- **Jun 1, 2004:** Read twice and referred to the Committee on Veterans' Affairs. (text of measure as introduced: CR S6289-6291)