

I represent a rural agricultural district spread over the 7 inhabited islands of Hawai'i, where all of our crops are specialty crops. Except for sugarcane, the great majority of Hawai'i's crops are not grown in any other State, nor are they the traditional Farm Bill "program crops." Therefore, programs to assist Hawai'i's specialty crop producers of crops like pineapple, tropical flowers, coffee, algae, cacao, and vanilla are very limited. And even though we have crop insurance programs for only two crops—macadamia nuts and nursery crops (fewer than any other State)—we are not designated as one of the States underserved by crop insurance programs.

For these and other reasons, my State receives less Federal support for agriculture as a percentage of the value of its agriculture than any other State. At the same time, we face unique challenges due to our distance from markets, quarantine requirements, and a transition from plantation to small-scale diversified agriculture. This transition has been extremely painful for many who traditionally were employed in good agricultural jobs in sugar or pineapple as well as for our rural island economies. I requested assignment to the House Agriculture Committee during my first full term in Congress to do what I can to enhance the future of agriculture in my State and to see that my State receives its fair share of assistance.

For this reason, I come to the floor today to extend a sincere mahalo to Chairman GOODLATTE and Ranking Member STENHOLM and their staffs for their assistance in ensuring that Hawai'i's specialty crops, from coffee to ginger root to kava, will be in fact be covered by this worthy bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 3242, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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HOMELESS VETERANS ASSISTANCE ACT OF 2004

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4248) to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to make grants to expand or modify existing comprehensive service programs for homeless veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4248

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeless Veterans Assistance Act of 2004".

SEC. 2. INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2005.

Section 2013 of title 38, United States Code, is amended by striking "\$75,000,000" in paragraph (4) and inserting "\$99,000,000".

SEC. 3. PERMANENT AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO OPERATE SEXUAL TRAUMA COUNSELING PROGRAM.

Section 1720D(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking "During the period through December 31, 2004, the" and inserting "The"; and

(2) in paragraph (2), by striking " , during the period through December 31, 2004,".

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Texas (Mr. RODRIGUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of H.R. 4248, as amended, the Homeless Veterans Assistance Act of 2004.

I point out to my colleagues that this legislation builds on the historic law signed by President Bush, the Homeless Veterans Assistance Act of 2001. I also want to point out to my colleagues and remind them that as we wrote those provisions and held several hearings to ascertain the need, the best practices, the policies that are more likely to work to try to mitigate the problem of homelessness, all of us, on both sides of the aisle, were utterly struck by the large number of veterans who were indeed homeless. The number that seemed to be most accurate at the time was something on the order of 275,000 homeless veterans on any given night.

Many of these men, some are women, but most are men, had post-traumatic stress disorder or some problem with alcohol or drugs or both or all three. We decided working with the VA, working with the NGOs, with the VSOs, Veterans Service Organizations, and others, to devise legislation that would comprehensively try to mitigate and hopefully end this terrible problem of homelessness among our veterans.

The good news is that the number, and it is still unconscionably high, has dropped precipitously over the last several years since enactment of the law. Secretary of the Committee on Veterans' Affairs, Tony Principi, testified at the beginning of this year that he believes that the number has dropped to about 200,000. Still too high, but far less than the 275,000, again, on the streets on any given night.

The legislation we have before us is a bipartisan piece of legislation, and I want to thank my good friend, the gentleman from Illinois (Mr. EVANS), who has played a key role in working with us on this. I also want to thank the gentleman from Texas (Mr. RODRIGUEZ), who has also played a very important role, and the gentleman from Connecticut (Mr. SIMMONS), the chairman of our Subcommittee on Health, and all of the Members who have tried to contribute to make this an important piece of legislation.

Let me point out to my colleagues specifically on the legislation that the VA's Homeless Grant and Per Diem program is authorized to provide competitive grants to community-based, including faith-based, organizations that offer transitional housing or service centers for homeless veterans. This program has proven to be the most economical, flexible, and innovative method to provide time-limited or transitional housing with supportive services for homeless veterans in all 50 States and the District of Columbia. Over 6,000 transitional housing beds are now available to veterans through the grant and per diem program.

In 2003, 66 percent of the veterans discharged from these programs were discharged to either independent housing or residential program housing, and 43 percent of all treatment episodes were documented as successful. This successful rate is the highest combined level of success ever achieved and ever recorded and remarkable, given the serious psychiatric disorders or substance abuse problems that often challenge recovery for homelessness.

The current authority for the grant and per diem program expires on September 30, 2005. In testimony before the Subcommittee on Health earlier this year, however, the administration stated that the total amount of grants made under this program was expected to exceed the current \$75 million authorization in fiscal year 2005. To meet this growing demand for services for homeless veterans, the President's budget proposal requested an increase in the authorized level from \$75 million to \$100 million for the 4 years. Section 2 of H.R. 4248, as amended, would increase the authorization to \$99 million for 2005. It will be up to the next Congress to extend the authorization beyond its September 30 expiration date.

Mr. Speaker, in 2003, the VA reported that more than 31,000 males and 27,000 female veterans responded to relevant screenings indicating unwanted sexual experiences that occurred during their military service time. Under current law, the authority to provide sexual trauma counseling for eligible veterans expires on December 31 of this year. H.R. 4248, as amended, would recognize the continuing need for these programs within the VA by permanently authorizing the counseling and treatment authority.

Mr. Speaker, I want to thank all the Members again who have worked on this.

Mr. Speaker, I reserve the balance of my time.

Mr. RODRIGUEZ. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the Homeless Veterans Assistance Act of 2004.

Let me first of all take this opportunity to thank the gentleman from New Jersey (Mr. SMITH), our chairman, for his activities in this area and his support of this particular piece of legislation.

The bill, as reported, includes provisions from the bill I introduced, H.R. 3849, the Military Sexual Trauma Counseling Act of 2004, to permanently extend the VA authority to provide counseling and treatment for women and men who have experienced sexual trauma during their service in the military. Current authority for the program expires at the end of this year, and it is critical we pass this particular piece of legislation today.

Since the military's sexual trauma program was authorized, the VA has embraced the challenge of developing unique resources to serve both women and men who have suffered such abuses during their military service. An overwhelming demand has been demonstrated for the sexual trauma program, with thousands of veterans, in addition to Reservists and National Guardsmen taking advantage of the resources available to them.

As the number of women serving in the military will continue to grow, the need for this program is sadly more evident. According to the VA report, more than half, 55 percent, of all women in the VA patient population said they had experienced sexual harassment while in the military and almost one quarter claimed to have been sexually assaulted.

Although the military is moving to address some of the longstanding problems it has had in managing sexism of all kinds in its increasingly integrated Armed Services workforce, we cannot expect the problem to disappear overnight. Already we hear media reports that more than 100 troops returning from both Iraq and Afghanistan have stated that they were raped during their service.

The VA's sexual trauma counseling programs are designed to create a secure and sensitive environment in which both women and men who serve in the military can deal with the emotional burdens of being a victim of sexual abuse. I am pleased that we are on the road to ensuring that these programs will be here for current and future veterans.

Mr. Speaker, I am also supportive of the provisions to increase the funding levels available for the homeless grant and per diem programs from the \$75 million to the \$99 million for 2005. We still have a very long way to go in meeting the Congress' goal to eliminate chronic homelessness by 2011, but this bill definitely takes us in the right direction.

Again, I wish to thank my friend, the gentleman from Connecticut (Mr. SIMMONS) for his cooperation in including the authority for the military's sexual trauma program in this particular piece of legislation as well as Chairman SMITH and Ranking Member EVANS for their support.

Mr. Speaker, let me also indicate, in terms of the data for the homelessness, the VA estimates that more than 299,321 veterans are homeless on any given night, and more than half a mil-

lion experience homelessness over the course of a year. Roughly 25 percent of the homeless people out there are veterans. Additionally, 45 percent of the homeless veterans that are out there do suffer from mental health disorders. And in order to solve these chronic homelessness problems, we must provide comprehensive care for veterans, including housing, job training, and mental health care.

Mr. EVANS. Mr. Speaker, I rise in support of the Homeless Veterans Assistance Act of 2004.

I'd like to thank my colleague CIRO RODRIGUEZ for the provisions in this bill that originated in his bill, H.R. 3849, the Military Sexual Trauma Counseling Act of 2004. I'd also like to thank Chairman SMITH for helping in this bipartisan effort.

I am pleased that this legislation will permanently allow the VA to provide sexual trauma counseling to those men and women who experience such trauma during their service for our country. Unfortunately, the problems of sexual harassment and assault are not going away, and VA should continue to be available to veterans who need help picking up the pieces after these traumatic events.

Another much needed provision of this legislation will increase the FY 2005 funding level available for VA's homeless grant and per diem program to \$99 million. VA's Homeless Grant and Per Diem Providers are a critical source of support to the mission of caring for our nation's homeless veterans.

Troops demobilizing from a difficult deployment in which many experienced combat and other stressors will likely add to the challenges of meeting the needs of homeless veterans. We have to continue to be the advocate for our homeless veterans who are often not able to advocate for themselves.

I ask my colleagues to join me in supporting this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise as a strong supporter of H.R. 4248, the Homeless Veterans Assistance Reauthorization Act of 2004 which would amend title 38 of the United States Code, to extend the authority of the Secretary of Veterans Affairs to make grants to expand or modify existing comprehensive service programs for homeless veterans. I want to thank Chairman SMITH and Ranking Member EVANS for bringing this necessary piece of legislation before this entire body.

Veterans are some of America's most valued members of society. These are people who served our nation in a time of need, people who risked their lives to protect our own. Yet, it pains me to say that many of these same veterans who fought so bravely and risked so much in lands far abroad have come back to their nation and are now homeless. The problem of homeless veterans is far more prevalent than we would like to believe. About one-third of the entire adult homeless population has served their country in the Armed Services. On any given day, as many as 250,000 veterans, both male and female, are living on the streets or in shelters, and perhaps twice as many experience hopelessness at some point during the course of a year. Many other veterans are considered near homeless or at risk because of their poverty, lack of support from family and friends, and dismal living conditions in cheap hotels or in overcrowded or substandard housing.

This legislation is necessary not only because this problem is so devastating and prevalent, but also because homeless veterans have special needs that are unique from those faced by the rest of the homeless population. Almost all homeless veterans are male, with three percent being female, the vast majority are single, and most come from poor, disadvantaged backgrounds. Homeless veterans tend to be older and more educated than homeless non-veterans. But similar to the general population of homeless adult males, about 45 percent of homeless veterans suffer from mental illness and slightly more than 70 percent suffer from alcohol or other drug abuse problems. Roughly 56 percent are African American or Hispanic. H.R. 4248 helps to address the homeless veteran population by increasing and extending through FY 2008 the authorization of appropriations for homeless assistance to veterans furnished through the Department of Veterans Affairs. The Homeless Veterans Assistance Reauthorization Act of 2004 gives authority to the Secretary of Veterans Affairs through FY 2008 to make grants to furnish the assistance to homeless veterans through: outreach; rehabilitative services; vocational counseling and training; and transitional housing. This comprehensive program is needed if we are to fight this scourge that is a blight upon our nation. Our nation's veterans did not risk their lives abroad so that they could come home and feel a cold shoulder. We must all have outrage that so many of our nation's veterans live this way, only then can we find a way to correct this injustice.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of H.R. 4248, a bill to expand comprehensive service programs for homeless veterans. This bill is important because veterans have and continue to make an enormous contribution to our nation. The sacrifice of our men and women serving throughout the world should never be forgotten. They are serving to promote an secure the ideals of liberty, freedom, and democracy.

Therefore, it is important that when they return home they have access to transitional housing programs, counseling and specialized services to help them in their transition from military service. Too often veterans come home and their service is not fully appreciated. This has led to an issue of chronic homelessness among veterans. The Department of Veterans Affairs estimates that there are more than 300,000 homeless veterans on any given night or more than half a million experience homelessness over a given year. This is unacceptable in America.

In addition, to chronic homelessness many veterans suffer from lack of access to health care services, and job training. This bill is a step in the right direction. However, much work remains to be done to provide the level of services and outreach needed to ensure that we drastically reduce the number of homeless veterans.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4248, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to increase the authorization of appropriations for the Secretary of Veterans Affairs to make grants to existing comprehensive service programs for homeless veterans, and for other purposes."

A motion to reconsider was laid on the table.

SERVICEMEMBERS AND VETERANS LEGAL PROTECTIONS ACT OF 2004

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4658) to amend the Servicemembers Civil Relief Act to make certain improvements and technical corrections to that Act, as amended.

The Clerk read as follows:

H.R. 4658

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 "Servicemembers and Veterans Legal Protections Act of 2004".

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

Sec. 1. Short title; table of contents.

TITLE I—IMPROVEMENTS TO SERVICEMEMBERS CIVIL RELIEF ACT

Sec. 101. Clarification of meaning of "judgment" as used in the Act.

Sec. 102. Requirements relating to waiver of rights under the Act.

Sec. 103. Right of servicemember plaintiffs to request stay of civil proceedings.

Sec. 104. Termination of leases.

Sec. 105. Prevention of double taxation of certain servicemembers.

TITLE II—EMPLOYMENT AND REEMPLOYMENT RIGHTS

Subtitle A—Extension of Health Care Coverage

Sec. 201. Two-year period of continuation of employer-sponsored health care coverage.

Sec. 202. Reinstatement of reporting requirements.

Subtitle B—Other Matters

Sec. 211. Requirement for employers to provide notice of rights and duties under USERRA.

Sec. 212. Demonstration project for referral of USERRA claims against Federal agencies to the Office of Special Counsel.

TITLE III—MATTERS RELATING TO FIDUCIARIES

Sec. 301. Definition of fiduciary.

Sec. 302. Inquiry, investigations, and qualification of fiduciaries.

Sec. 303. Misuse of benefits by fiduciaries.

Sec. 304. Additional protections for beneficiaries with fiduciaries.

Sec. 305. Annual report.

Sec. 306. Annual adjustment in benefits thresholds.

Sec. 307. Effective dates.

TITLE IV—OTHER MATTERS

Sec. 401. Inventory of medical waste management activities at Department health-care facilities.

Sec. 402. Technical amendments to education program provisions.

TITLE I—IMPROVEMENTS TO SERVICEMEMBERS CIVIL RELIEF ACT

SEC. 101. CLARIFICATION OF MEANING OF "JUDGMENT" AS USED IN THE ACT.

Section 101 of the Servicemembers Civil Relief Act (50 U.S.C. App. 511) is amended by adding at the end the following new paragraph:

"(9) JUDGMENT.—The term 'judgment' means any judgment, decree, order, or ruling, final or temporary."

SEC. 102. REQUIREMENTS RELATING TO WAIVER OF RIGHTS UNDER THE ACT.

Section 107 of the Servicemembers Civil Relief Act (50 U.S.C. App. 517) is amended—

(1) In subsection (a), by inserting after the first sentence the following new sentence: "Any such waiver that applies to an action listed in subsection (b) of this section is effective only if it is in writing and is executed as an instrument separate from the obligation or liability to which it applies.";

(2) by redesignating subsection (c) as subsection (d); and

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

"(c) PROMINENT DISPLAY OF CERTAIN CONTRACT RIGHTS WAIVERS.—Any waiver in writing of a right or protection provided by this Act that applies to a contract, lease, or similar legal instrument must be in at least 12 point type."

SEC. 103. RIGHT OF SERVICEMEMBER PLAINTIFFS TO REQUEST STAY OF CIVIL PROCEEDINGS.

Section 202(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 522(a)) is amended by inserting "plaintiff or" before "defendant".

SEC. 104. TERMINATION OF LEASES.

(a) JOINT LEASES.—Subsection (a) of section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended to read as follows:

"(a) TERMINATION BY LESSEE.—

"(1) IN GENERAL.—The lessee on a lease described in subsection (b) may, at the lessee's option, terminate the lease at any time after—

"(A) the lessee's entry into military service; or

"(B) the date of the lessee's military orders described in paragraph (1)(B) or (2)(B) of subsection (b), as the case may be.

"(2) JOINT LEASES.—A lessee's termination of a lease pursuant to this subsection shall terminate any obligation a dependent of the lessee may have under the lease."

(b) MOTOR VEHICLES LEASES.—

(1) APPLICABILITY TO PCS ORDERS FROM STATES OUTSIDE CONUS.—Subparagraph (B) of subsection (b)(2) of such section is amended by striking "military orders for" and all that follows through "or to deploy" and inserting "military orders—

"(i) for a change of permanent station—

"(I) from a location in the continental United States to a location outside the continental United States; or

"(II) from a location in a State outside the continental United States to any location outside that State; or

"(ii) to deploy".

(2) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

"(i) DEFINITIONS.—

"(1) MILITARY ORDERS.—The term 'military orders', with respect to a servicemember, means official military orders, or any notification, certification, or verification from the servicemember's commanding officer, with respect to the servicemember's current or future military duty status.

"(2) CONUS.—The term 'continental United States' means the 48 contiguous States and the District of Columbia."

(c) COVERAGE OF INDIVIDUAL DEPLOYMENTS.—Subsection (b) of such section is further amended in paragraph (1)(B) and paragraph (2)(B)(ii) (as designated by subsection (b) of this section) by inserting ", or as an individual in support of a military operation," after "deploy with a military unit".

SEC. 105. PREVENTION OF DOUBLE TAXATION OF CERTAIN SERVICEMEMBERS.

Section 511(c) of the Servicemembers Civil Relief Act (50 U.S.C. App. 571(c)) is amended by adding at the end the following new paragraph:

"(5) USE, EXCISE, OR SIMILAR TAXES.—A tax jurisdiction may not impose a use, excise, or similar tax on the personal property of a nonresident servicemember when the laws of the tax jurisdiction fail to provide a credit against such taxes for sales, use, excise, or similar taxes previously paid on the same property to another tax jurisdiction."

TITLE II—EMPLOYMENT AND REEMPLOYMENT RIGHTS

Subtitle A—Extension of Health Care Coverage

SEC. 201. TWO-YEAR PERIOD OF CONTINUATION OF EMPLOYER-SPONSORED HEALTH CARE COVERAGE.

(a) IMPROVEMENT IN PERIOD OF COVERAGE.—Subsection (a)(1)(A) of section 4317 of title 38, United States Code, is amended by striking "18-month period" and inserting "24-month period".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to elections made under such section 4317 on or after the date of the enactment of this Act.

SEC. 202. REINSTATEMENT OF REPORTING REQUIREMENTS.

Section 4332 of title 38, United States Code, is amended in the matter preceding paragraph (1) by striking "no later than February 1, 1996, and annually thereafter through 2000" and inserting "no later than February 1, 2005, and annually thereafter".

Subtitle B—Other Matters

SEC. 211. REQUIREMENT FOR EMPLOYERS TO PROVIDE NOTICE OF RIGHTS AND DUTIES UNDER USERRA.

(a) NOTICE.—Chapter 43 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 4334. Notice of rights and duties

"(a) REQUIREMENT TO PROVIDE NOTICE.—Each employer shall provide to persons entitled to rights and benefits under this chapter a notice of the rights, benefits, and obligations of such persons and such employers under this chapter. The requirement for the provision of notice under this section may be met by the posting of the notice where employers customarily place notices for employees.

"(b) CONTENT OF NOTICE.—The Secretary shall provide to employers the text of the notice to be provided under this section."

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

"4334. Notice of rights and duties."

(c) IMPLEMENTATION.—(1) Not later than the date that is 90 days after the date of the enactment of this Act, the Secretary of Labor shall make available to employers the notice required under section 4334 of title 38, United States Code, as added by subsection (a).

(2) The amendments made by this section shall apply to employers under chapter 43 of such title on and after the first date referred to in paragraph (1).