

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).

**SEC. 212. DEMONSTRATION PROJECT FOR REFERRAL OF USERRA CLAIMS AGAINST FEDERAL AGENCIES TO THE OFFICE OF SPECIAL COUNSEL.**

(a) **ESTABLISHMENT OF PROJECT.**—The Secretary of Labor and the Office of Special Counsel shall carry out a demonstration project under which certain claims against Federal executive agencies under the Uniformed Services Employment and Reemployment Rights Act under chapter 43 of title 38, United States Code, are referred to, or otherwise received by, the Office of Special Counsel for assistance, including investigation and resolution of the claim as well as enforcement of rights with respect to the claim.

(b) **REFERRAL OF ALL PROHIBITED PERSONNEL ACTION CLAIMS TO THE OFFICE OF SPECIAL COUNSEL.**—(1) Under the demonstration project, the Office of Special Counsel shall receive and investigate all claims under the Uniformed Services Employment and Reemployment Rights Act with respect to Federal executive agencies in cases where the Office of Special Counsel has jurisdiction over related claims pursuant to section 1212 of title 5, United States Code.

(2) For purposes of paragraph (1), a related claim is a claim involving the same Federal executive agency and the same or similar factual allegations or legal issues as those being pursued under a claim under the Uniformed Services Employment and Reemployment Rights Act.

(c) **REFERRAL OF OTHER CLAIMS AGAINST FEDERAL EXECUTIVE AGENCIES.**—(1) Under the demonstration project, the Secretary—

(A) shall refer to the Office of Special Counsel all claims described in paragraph (2) made during the period of the demonstration project; and

(B) may refer any claim described in paragraph (2) filed before the demonstration project that is pending before the Secretary at the beginning of the demonstration project.

(2) A claim referred to in paragraph (1) is a claim under chapter 43 of title 38, United States Code, against a Federal executive agency by a claimant with a social security account number with an odd number as its terminal digit, or, in the case of a claim that does not contain a social security account number, a case number assigned to the claim with an odd number as its terminal digit.

(d) **ADMINISTRATION OF DEMONSTRATION PROJECT.**—(1) The Office of Special Counsel shall administer the demonstration project. The Secretary shall cooperate with the Office of Special Counsel in carrying out the demonstration project.

(2) In the case of any claim referred, or otherwise received by, to the Office of Special Counsel under the demonstration project, any reference to the “Secretary” in sections 4321, 4322, and 4326 of title 38, United States Code, is deemed a reference to the “Office of Special Counsel”.

(3) In the case of any claim referred to, or otherwise received by, the Office of Special Counsel under the demonstration project, the Office of Special Counsel shall retain administrative jurisdiction over the claim.

(e) **PERIOD OF PROJECT.**—The demonstration project shall be carried out during the period beginning on the date that is 60 days after the date of the enactment of this Act, and ending on September 30, 2007.

(f) **EVALUATIONS AND REPORT.**—(1) The Comptroller General of the United States shall conduct periodic evaluations of the demonstration project under this section.

(2) Not later than April 1, 2007, the Comptroller General shall submit to Congress a report on the evaluations conducted under paragraph (1). The report shall include the following information and recommendations:

(A) A description of the operation and results of the demonstration program, including—

(i) the number of claims described in subsection (c) referred to, or otherwise received by, the Office of Special Counsel and the number of such claims referred to the Secretary of Labor, and

(ii) for each Federal executive agency, the number of claims resolved, the type of corrective action obtained, the period of time for final resolution of the claim, and the results obtained.

(B) An assessment of whether referral to the Office of Special Counsel of claims under the demonstration project—

(i) improved services to servicemembers and veterans; or

(ii) significantly reduced or eliminated duplication of effort and unintended delays in resolving meritorious claims of those servicemembers and veterans.

(C) An assessment of the feasibility and advisability of referring all claims under chapter 43 of title 38, United States Code, against Federal executive agencies to the Office of Special Counsel for investigation and resolution.

(D) Such other recommendations for administrative action or legislation as the Comptroller General determines appropriate.

(g) **DEFINITIONS.**—In this section:

(1) The term “Office of Special Counsel” means the Office of Special Counsel established by section 1211 of title 5, United States Code.

(2) The term “Secretary” means the Secretary of Labor.

(3) The term “Federal executive agency” has the meaning given that term in section 4303(5) of title 38, United States Code.

**TITLE III—MATTERS RELATING TO FIDUCIARIES**

**SEC. 301. DEFINITION OF FIDUCIARY.**

(a) **IN GENERAL.**—(1) Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 5506. Definition of ‘fiduciary’**

“For purposes of this chapter and chapter 61 of this title, the term ‘fiduciary’ means—

“(1) a person who is a guardian, curator, conservator, committee, or person legally vested with the responsibility or care of a claimant (or a claimant’s estate) or of a beneficiary (or a beneficiary’s estate); or

“(2) any other person having been appointed in a representative capacity to receive money paid under any of the laws administered by the Secretary for the use and benefit of a minor, incompetent, or other beneficiary.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“5506. Definition of ‘fiduciary’.”.

(b) **CONFORMING AMENDMENTS TO SECTION 5502.**—Section 5502 of such title is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “other person” and inserting “other fiduciary”; and

(B) in the second sentence of paragraph (2), by inserting “for benefits under this title” after “in connection with rendering fiduciary services”;

(2) in subsection (b), by striking “guardian, curator, conservator, or other person” each place it appears and inserting “fiduciary”; and

(3) in subsection (d), by striking “guardian, curator, or conservator” and inserting “fiduciary”.

(c) **CONFORMING AMENDMENT TO SECTION 6101.**—Section 6101(a) of such title is amended by striking “guardian, curator,” and all that follows through “beneficiary,” and inserting “fiduciary (as defined in section 5506

of this title) for the benefit of a minor, incompetent, or other beneficiary under laws administered by the Secretary.”.

**SEC. 302. INQUIRY, INVESTIGATIONS, AND QUALIFICATION OF FIDUCIARIES.**

(a) **IN GENERAL.**—Chapter 55 of title 38, United States Code, as amended by section 301(a)(1), is further amended by adding at the end the following new section:

**“§ 5507. Inquiry, investigations, and qualification of fiduciaries**

“(a) Any certification of a person for payment of benefits of a beneficiary to that person as such beneficiary’s fiduciary under section 5502 of this title shall be made on the basis of—

“(1) an inquiry or investigation by the Secretary of the fitness of that person to serve as fiduciary for that beneficiary, such inquiry or investigation—

“(A) to be conducted in advance of such certification;

“(B) to the extent practicable, to include a face-to-face interview with such person; and

“(C) to the extent practicable, to include a copy of a credit report for such person issued within one year of the date of the proposed appointment;

“(2) adequate evidence that certification of that person as fiduciary for that beneficiary is in the interest of such beneficiary (as determined by the Secretary under regulations); and

“(3) the furnishing of any bond that may be required by the Secretary.

“(b) As part of any inquiry or investigation of any person under subsection (a), the Secretary shall request information concerning whether that person has been convicted of any offense under Federal or State law which resulted in imprisonment for more than one year. If that person has been convicted of such an offense, the Secretary may certify the person as a fiduciary only if the Secretary makes a specific finding that the person has been rehabilitated and is an appropriate person to act as fiduciary for the beneficiary concerned under the circumstances.

“(c)(1) In the case of a proposed fiduciary described in paragraph (2), the Secretary, in conducting an inquiry or investigation under subsection (a)(1), may carry out such inquiry or investigation on an expedited basis that may include waiver of any specific requirement relating to such inquiry or investigation, including the otherwise applicable provisions of subparagraphs (A), (B), and (C) of such subsection. Any such inquiry or investigation carried out on such an expedited basis shall be carried out under regulations prescribed for purposes of this section.

“(2) Paragraph (1) applies with respect to a proposed fiduciary who is—

“(A) the parent (natural, adopted, or step-parent) of a beneficiary who is a minor;

“(B) the spouse or parent of an incompetent beneficiary;

“(C) a person who has been appointed a fiduciary of the beneficiary by a court of competent jurisdiction; or

“(D) being appointed to manage an estate where the annual amount of veterans benefits to be managed by the proposed fiduciary does not exceed \$3600, as adjusted pursuant to section 5312 of this title.

“(d) **TEMPORARY FIDUCIARIES.**—When in the opinion of the Secretary, a temporary fiduciary is needed in order to protect the assets of the beneficiary while a determination of incompetency is being made or appealed or a fiduciary is appealing a determination of misuse, the Secretary may appoint one or more temporary fiduciaries for a period not to exceed 120 days. If a final decision has not been made within 120 days, the Secretary may not continue the appointment of the fiduciary without obtaining a court order for

appointment of a guardian, conservator, or other fiduciary under the authority provided in section 5502(b) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item added by section 301(a)(2) the following new item:

“5507. Inquiry, investigations, and qualification of fiduciaries.”.

### SEC. 303. MISUSE OF BENEFITS BY FIDUCIARIES.

(a) PROTECTION OF VETERANS BENEFITS WHEN ADMINISTERED BY FIDUCIARIES.—(1) Chapter 61 of title 38, United States Code, is amended by adding at the end the following new sections:

#### “§ 6106. Misuse of benefits by fiduciaries

“(a) FEE FORFEITURE IN CASE OF BENEFIT MISUSE BY FIDUCIARIES.—A fiduciary may not collect a fee from a beneficiary for any month with respect to which the Secretary or a court of competent jurisdiction has determined that the fiduciary misused all or part of the individual’s benefit, and any amount so collected by the fiduciary as a fee for such month shall be treated as a misused part of the individual’s benefit.

“(b) LIABILITY OF FIDUCIARIES FOR MISUSED BENEFITS.—(1) If the Secretary or a court of competent jurisdiction determines that a fiduciary that is not a Federal, State, or local government agency has misused all or part of a beneficiary’s benefit that was paid to such fiduciary, the fiduciary shall be liable for the amount misused, and such amount (to the extent not repaid by the fiduciary) shall be treated as an erroneous payment of benefits under this title to the fiduciary for purposes of laws pertaining to the recovery of overpayments. The amount of such overpayment shall constitute a liability of such fiduciary to the United States and may be recovered in the same manner as any other debt due the United States. Subject to paragraph (2), upon recovering all or any part of such amount, the Secretary shall pay an amount equal to the recovered amount to such beneficiary or such beneficiary’s successor fiduciary.

“(2) The total of the amounts paid to a beneficiary (or a beneficiary’s successor fiduciary) under paragraph (1) and under section 6107 of this title may not exceed the total benefit amount misused by the fiduciary with respect to that beneficiary.

“(c) MISUSE OF BENEFITS DEFINED.—For purposes of this chapter, misuse of benefits by a fiduciary occurs in any case in which the fiduciary receives payment, under any of laws administered by the Secretary, for the use and benefit of a beneficiary and uses such payment, or any part thereof, for a use other than for the use and benefit of such beneficiary or that beneficiary’s dependents. Retention by a fiduciary of an amount of a benefit payment as a fiduciary fee or commission, or as attorney’s fees (including expenses) and court costs, if authorized by the Secretary or a court of competent jurisdiction, shall be considered to be for the use or benefit of such beneficiary.

“(d) REGULATIONS.—The Secretary may prescribe by regulation the meaning of the term ‘use and benefit’ for purposes of this section.

“(e) FINALITY OF DETERMINATIONS.—A determination by the Secretary that a fiduciary has misused benefits is a decision of the Secretary for purposes of section 511(a) of this title.

#### “§ 6107. Reissuance of benefits

“(a) NEGLIGENT FAILURE BY SECRETARY.—(1) In any case in which the negligent failure of the Secretary to investigate or monitor a fiduciary results in misuse of benefits by the fiduciary, the Secretary shall pay to the beneficiary or the beneficiary’s successor fiduciary an amount equal to the amount of benefits that were so misused.

“(2) There shall be considered to have been a negligent failure by the Secretary to investigate and monitor a fiduciary in the following cases:

“(A) A case in which the Secretary failed to timely review a fiduciary’s accounting.

“(B) A case in which the Secretary was notified of allegations of misuse, but failed to act in a timely manner to terminate the fiduciary.

“(C) In any other case in which actual negligence is shown.

“(b) REISSUANCE OF MISUSED BENEFITS IN OTHER CASES.—(1) In any case in which a fiduciary described in paragraph (2) misuses all or part of an individual’s benefit paid to such fiduciary, the Secretary shall pay to the beneficiary or the beneficiary’s successor fiduciary an amount equal to the amount of such benefit so misused.

“(2) Paragraph (1) applies to a fiduciary that—

“(A) is not an individual; or

“(B) is an individual who, for any month during a period when misuse occurs, serves 10 or more individuals who are beneficiaries under this title.

“(c) RECOUPMENT OF AMOUNTS REISSUED.—In any case in which the Secretary reissues a benefit payment (in whole or in part) under subsection (a) or (b), the Secretary shall make a good faith effort to obtain recoupment from the fiduciary to whom the payment was originally made.”.

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

“6106. Misuse of benefits by fiduciaries.

“6107. Reissuance of benefits.”.

### SEC. 304. ADDITIONAL PROTECTIONS FOR BENEFICIARIES WITH FIDUCIARIES.

(a) ONSITE REVIEWS AND REQUIRED ACCOUNTINGS.—(1) Chapter 55 of title 38, United States Code, as amended by section 302(a), is further amended by adding at the end the following new sections:

#### “§ 5508. Periodic onsite reviews of institutional fiduciaries

“In addition to such other reviews of fiduciaries as the Secretary may otherwise conduct, the Secretary shall provide for the periodic onsite review of any person or agency located in the United States that receives the benefits payable under laws administered by the Secretary to another individual pursuant to the appointment of such person or agency as a fiduciary under section 5502(a)(1) of this title in any case in which the fiduciary is serving in that capacity with respect to more than 20 beneficiaries and the total annual amount of such benefits exceeds \$50,000, as adjusted pursuant to section 5312 of this title.

#### “§ 5509. Authority to redirect delivery of benefit payments when a fiduciary fails to provide required accounting

“(a) REQUIRED REPORTS AND ACCOUNTINGS.—The Secretary may require a fiduciary to file a report or accounting pursuant to regulations prescribed by the Secretary.

“(b) ACTIONS UPON FAILURE TO FILE.—In any case in which a fiduciary fails to submit a report or accounting required by the Secretary under subsection (a), the Secretary may, after furnishing notice to such fiduciary and the beneficiary entitled to such payment of benefits, require that such fiduciary appear in person at a regional office of the Department serving the area in which the beneficiary resides in order to receive such payments.”.

(2) The table of sections at the beginning of such chapter is amended by adding after the

item added by section 302(b) the following new items:

“5508. Periodic onsite reviews of institutional fiduciaries.

“5509. Authority to redirect delivery of benefit payments when a fiduciary fails to provide required accounting.”.

(b) CIVIL MONETARY PENALTIES; JUDICIAL ORDERS OF RESTITUTION.—(1) Chapter 61 of title 38, United States Code, as amended by section 303(a), is further amended by adding at the end the following new sections:

#### “§ 6108. Civil monetary penalties

“(a) PENALTY FOR CONVERSION.—Any person (including an organization, agency, or other entity) who, having received, while acting in the capacity of a fiduciary pursuant to section 5502 of this title, a payment under a law administered by the Secretary for the use and benefit of another individual, converts such payment, or any part thereof, to a use that such person knows or should know is other than for the use and benefit of such other individual shall be subject to, in addition to any other penalty that may be prescribed by law, a civil monetary penalty assessed by the Secretary of not more than \$5,000 for each such conversion.

“(b) PENALTY IN LIEU OF DAMAGES.—Any person who makes a conversion of a payment described in subsection (a) and is subject to a civil monetary penalty under that subsection by reason of such conversion shall also be subject to an assessment by the Secretary, in lieu of damages sustained by the United States resulting from the conversion, of not more than twice the amount of any payments so converted.

“(c) COSTS OF RECOVERY.—From amounts collected under this section, the amount necessary to recoup the Department’s costs of such collection shall be credited to appropriations currently available for the same purpose as the appropriation that incurred those costs, to remain available until expended.

#### “§ 6109. Authority for judicial orders of restitution

“(a) Any Federal court, when sentencing a defendant convicted of an offense arising from the misuse of benefits under this title, may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Department.

“(b) Sections 3612, 3663, and 3664 of title 18 shall apply with respect to the issuance and enforcement of orders of restitution under subsection (a). In so applying those sections, the Department shall be considered the victim.

“(c) If the court does not order restitution, or orders only partial restitution, under subsection (a), the court shall state on the record the reasons therefor.

“(d)(1) Except as provided in paragraph (2), amounts received or recovered by the Secretary pursuant to an order of restitution under subsection (a), to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred by the Office of the Inspector General for the investigation of fiduciaries under this title.

“(2) Paragraph (1) shall not apply with respect to amounts received in connection with misuse by a fiduciary of funds paid as benefits under laws administered by the Secretary. Such amounts shall be paid to the individual whose benefits were misused unless the Secretary has previously reissued the misused benefits, in which case the amounts shall be treated in the same manner as overpayments recouped by the Secretary and shall be deposited to the credit of the applicable revolving fund, trust fund, or appropriation.”.

(2) The table of sections at the beginning of such chapter is amended by adding after the item added by section 303(b) the following new items:

“6108. Civil monetary penalties.

“6109. Authority for judicial orders of restitution.”.

#### SEC. 305. ANNUAL REPORT.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, as amended by section 304(a)(1), is further amended by adding at the end the following new section:

##### “§ 5510. Annual report

“The Secretary shall 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. As part of such information, the Secretary shall separately set forth the following:

“(1) The number of beneficiaries in each category (veteran, surviving spouse, child, adult disabled child, or parent).

“(2) The types of benefit being paid (compensation, pension, dependency and indemnity compensation, death pension or benefits payable to a disabled child under chapter 18 of this title).

“(3) The total annual amounts and average annual amounts of benefits paid to fiduciaries for each category and type of benefit.

“(4) The number of fiduciaries who are the (spouse, parent, legal custodian, court-appointed fiduciary, institutional fiduciary, custodian in fact, and supervised direct payment).

“(5) The number of cases in which the fiduciary was changed by the Secretary because of a finding that benefits had been misused.

“(6) How such cases of misuse of benefits were addressed by the Secretary.

“(7) The final disposition of such cases of misuse of benefits, including the number and dollar amount of any civil or criminal penalties imposed.

“(8) Such other information as the Secretary considers appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the items added by the amendment made by section 304(a)(2) the following new item:

“5510. Annual report.”.

#### SEC. 306. ANNUAL ADJUSTMENT IN BENEFITS THRESHOLDS.

Section 5312(b)(1) of title 38, United States Code, is amended by inserting “and the annual benefit amount limitations under sections 5507(c)(2)(D) and 5508 of this title,” after “(d)(3) of such section.”.

#### SEC. 307. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided, this title and the amendments made by this title shall take effect on the first day of the seventh month beginning after the date of the enactment of this Act.

(b) SPECIAL RULES.—(1) Section 5510 of title 38, United States Code, as added by section 305(a), shall take effect on the date of the enactment of this Act.

(2) Sections 6106 and 6107 of title 38, United States Code, as added by section 303(a), shall apply with respect to any determinations by the Secretary of Veterans Affairs made after the date of the enactment of this Act of misuse of funds by a fiduciary.

#### TITLE IV—OTHER MATTERS

#### SEC. 401. INVENTORY OF MEDICAL WASTE MANAGEMENT ACTIVITIES AT DEPARTMENT HEALTH-CARE FACILITIES.

(a) INVENTORY.—The Secretary of Veterans Affairs shall establish and maintain a national inventory of medical waste management activities in the health-care facilities

of the Department of Veterans Affairs. The inventory shall include the following:

(1) A statement of the current national policy of the Department on managing and disposing of medical waste, including regulated medical waste in all its forms.

(2) A description of the program of each geographic service area of the Department to manage and dispose of medical waste, including general medical waste and regulated medical waste, with a description of the primary methods used in those programs and the associated costs of those programs, with cost information shown separately for in-house costs (including full-time equivalent employees) and contract costs.

(b) REPORT.—Not later than April 15, 2005, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on medical waste management activities in the facilities of the Department of Veterans Affairs. The report shall include the following:

(1) The inventory established under subsection (a), including all the matters specified in that subsection.

(2) A listing of each violation of medical waste management and disposal regulations reported at any health-care facility of the Department over the preceding five years by any State or Federal agency, along with an explanation of any remedial or other action taken by the Secretary in response to each such reported violation.

(3) A description of any plans to modernize, consolidate, or otherwise improve the management of medical waste and disposal programs at health-care facilities of the Department, including the projected costs associated with such plans and any barriers to achieving goals associated with such plans.

(4) An assessment or evaluation of the available methods of disposing of medical waste and identification of which of those methods are more desirable from an environmental perspective in that they would be least likely to result in contamination of air or water or otherwise cause future cleanup problems.

#### SEC. 402. TECHNICAL AMENDMENTS TO EDUCATION PROGRAM PROVISIONS.

(a) INAPPLICABILITY OF WAGE REQUIREMENTS FOR ON-JOB TRAINING PROGRAMS LEADING TO SELF-EMPLOYMENT.—(1) Section 3677(b) is amended by adding at the end the following new paragraph:

“(3) Notwithstanding paragraph (1)(A) and subsection (c)(8), no wages shall be required to be paid an eligible person or veteran by a training establishment described in section 3452(e)(2) of this title.”.

(2) Section 3452(e), as amended by section 301 of the Veterans Benefits Act of 2003 (Public Law 108-183; 117 Stat. 2658), is amended by striking “An” in paragraph (2) and inserting “For the period beginning on October 1, 2005, and ending on September 30, 2010, an”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 301 of the Veterans Benefits Act of 2003 (Public Law 108-183; 117 Stat. 2658).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Maine (Mr. MICHAUD) 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.

Mr. Speaker, I rise again in strong support of H.R. 4658, as amended, the Servicemembers and Veterans Legal

Protections Act of 2004. This measure has a number of important provisions for servicemembers, veterans and their dependents.

H.R. 4658, as amended, would further strengthen the Servicemembers Civil Relief Act that was enacted just last year and signed by President Bush. There were several new issues that arose while we were considering that legislation, but their solution required further research and discussion. That discussion led to this legislation.

Most significantly, the bill would clarify that the Servicemembers Relief Act’s lease termination protection under section 305 applies to military dependents who are on joint leases with servicemembers. This has always been the intent of Congress, but some landlords have recently tried to argue there is a loophole, leaving the servicemember’s spouse liable if the servicemember is relieved from liability under the lease. That was pointed out most definitively in an oversight hearing we held very recently.

H.R. 4658 would make several other improvements to the SCRA, including strengthening protections relating to waivers of servicemembers rights. Additionally, it would provide motor vehicle lease termination protections for servicemembers stationed in Alaska and Hawaii.

Mr. Speaker, under title II of 4658, this title would strengthen the Uniformed Services Employment and Reemployment Rights Act, or USERRA, the law which protects the jobs and employment benefits of Guard and Reserve members who are called to active duty. I want to highlight the major provisions for my colleagues.

The bill would increase from 18 to 24 months the maximum period of employer-sponsored health coverage during active military service to reflect the longer deployments of Guard and Reserve members. It would also establish a 3-year demonstration project at the U.S. Office of the Special Counsel to improve enforcement of the act in cases involving Federal executive branch employees.

Additionally, the bill contains a requirement for employers to provide notice to employees of their rights. Title III of the bill would make a number of changes to strengthen the program which authorizes benefit payments to fiduciaries of veterans unable to manage their financial affairs. It would require greater scrutiny by VA fiduciaries to make fiduciaries subject to civil penalties for misuse of a veteran’s assets.

Mr. Speaker, this measure would also require the Secretary of Veterans Affairs to establish an inventory of medical waste management activities in the VA, and to assess what methods of medical waste disposal are desirable from an environmental perspective. He would then report to Congress on plans to modernize or improve the management of medical waste and disposal programs.

Mr. Speaker, I urge support of the bill.

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

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4658, the Servicemembers and Veterans Legal Protections Act of 2004. I want to thank our ranking member, the gentleman from Illinois (Mr. EVANS), and our chairman, the gentleman from New Jersey (Mr. SMITH) for their leadership on this legislation, as well as my good friend and colleague on the Subcommittee on Benefits, the gentleman from South Carolina (Mr. BROWN).

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I have enjoyed working with them during this Congress. Additionally, I would like to thank Members and staffs on both sides of the aisle who have contributed to this bill.

H.R. 4658 contains a number of provisions aimed at enhancing and improving the Servicemembers Civil Relief Act, the Uniformed Services Employment and Reemployment Rights Act and other matters which will improve the quality of life of our troops, veterans and military families. Today, men and women who make up the Armed Forces and their families are under tremendous strain. Laws concerning reemployment rights and legal and financial protections for our service members help them to focus on serving the country. When these laws are effectively administered and vigorously enforced, they help our service members and their families and assist in recruitment and retention efforts.

Mr. Speaker, I am particularly pleased that we have included measures to improve certain sections of the Servicemembers Civil Relief Act. These measures were brought to our attention by service members and military lawyers who experienced problems we had not anticipated when the Servicemembers Civil Relief Act was passed last year. H.R. 4658 solved these identified problems.

H.R. 4658 also makes improvements to the Uniformed Services Employment and Reemployment Rights Act. I am particularly pleased that this bill includes measures to protect our most vulnerable veterans from financial abuse by those VA has authorized to handle their cash benefits. These provisions are drawn from H.R. 4032 which I joined the gentlewoman from California (Mrs. DAVIS) in introducing. Veterans and other VA beneficiaries who have their benefits paid to fiduciaries will have protections similar to those Congress recently afforded to Social Security beneficiaries.

Finally, I must express my deep regret that the majority leadership has rejected a provision in this bill supported by our committee. In response to a problem identified by the Secretary of Veterans Affairs, the administration proposed to permit VA to pro-

vide limited transitional care for newborns of veterans receiving maternity care from VA. Currently, VA is being charged high rates by hospitals who agree to provide contract maternity care to eligible veterans. Rates are excessive because under current law VA has no authority to pay for care of the newborn child after delivery. VA requested the authority to pay for newborn care for a maximum of 14 days in order to allow time to make other arrangements for newborns who would need ongoing care. The committee recognized that alternate payment sources such as private medical insurance may be available to pay for newborn care and therefore would have limited VA's liability to those situations where no other payment source was available. These provisions were rejected by the Republican leadership. VA will continue to have difficulty arranging for contract maternity care and will continue to be charged higher amounts. As a Blue Dog, I find this fiscally irresponsible.

I also believe we are sending the wrong message to servicewomen injured in Iraq or Afghanistan or otherwise disabled by military service. VA's failure to provide newborn care associated with maternity care is likely to alienate the increasing number of young women in our military. I will continue to push for reconsideration of this provision in the 109th Congress.

Mr. Speaker, the provisions in H.R. 4658 are of the utmost importance. We have an obligation to do all we can to ensure that service members and their families have peace of mind. Passing this legislation would be a strong step in the right direction. I urge all Members to support this bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I want to take this time to thank my colleague here for his leadership on this particular piece of legislation. I also thank the gentleman from New Jersey (Mr. SMITH) on his efforts as well as the gentleman from Illinois (Mr. EVANS).

Mr. Speaker, I rise today in support of H.R. 4658, the Servicemembers Legal Protection Act. Although this legislation is a great measure and I urge its passage, I regret that it no longer has a provision introduced by the gentleman from Illinois (Mr. EVANS) and myself to assist the Department of Veterans Affairs in delivering a comprehensive maternity care benefit to women veterans. Women comprise an increasing portion of our armed services and will soon make up 20 percent of our active duty forces.

With that being said, we must continue to bring women veterans into the veterans health care system. VA medical centers do not deliver maternity care except in cases of emergency. Yet VA's contractors are reluctant to accept contracts if payment for infants' care is uncompensated, particularly if

there is a risk for an adverse birth outcome. Ensuring at least partial payment for the infant's care would have allowed the VA to contract more easily for this routine care provided to women veterans and allow them to receive the care they deserve.

As I mentioned earlier, I am disappointed that the provision on women's comprehensive care is not in the final bill. However, I trust that the gentleman from New Jersey (Mr. SMITH) and the gentleman from Connecticut (Mr. SIMMONS) will continue to work with us in a bipartisan manner in order to ensure that we eventually bring passage. I urge my colleagues to vote in favor of this bill as it contains many important legal and financial protections for our military men and women and their families.

Mr. Speaker, in closing let me just say that we do have and we are expecting to have a larger number of women participating. If those veteran women are expecting, we are going to have difficulties unless we also take care of not only the veteran herself but also the child that she might be bearing.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 1 minute.

I want to thank the gentleman from Maine (Mr. MICHAUD) for his leadership on this legislation as part of the Benefits committee and the gentleman from Illinois (Mr. EVANS) as well. Again, this and the bill that was passed and signed by the President last year was a historic rewrite and expansion of the Servicemembers Relief Act, as we called it. It is a rewrite of the old Soldiers and Sailors Relief Act first enacted back in 1940. It provided significant upgrades and made for consistency and uniformity across the country when it came to adjudicating the protections for our servicemen who are deployed overseas. This is especially important to so many Guard and Reserve now serving so ably and so honorably in Iraq as well as in Afghanistan.

I also want to say that I deeply regret the loss of the newborn provision. As my colleagues might recall, I worked with my good friends on the other side of the aisle and on our side to put that in. We will be back hopefully and we can regain that sometime in the future. But I do thank him for bringing that up.

Mr. EVANS. Mr. Speaker, I rise in strong support of H.R. 4658, the Servicemembers and Veterans Legal Protection Act of 2004. I want to thank Chairman SMITH, as well as HENRY BROWN and MICHAEL MICHAUD, Chairman and Ranking Member of the Benefits Subcommittee, respectively, for their good work on this legislation. Additionally, I commend the Members and staffs on both sides of the aisle who have worked diligently to bring this bill forward. It has truly been a bipartisan effort.

H.R. 4658 is important legislation that contains a number of provisions aimed at enhancing and improving the Servicemembers civil

Relief Act (SCRA), the Uniformed Services Employment and Reemployment Rights Act (USERRA) and other matters pertaining to the quality of life of our troops, veterans, and military families.

Mr. Speaker, not since world War II has the Nation's military—active duty and Reserve forces—undergone such a massive mobilization and troop rotation effort. According to the Department of Defense, since September 11, 2001, over 400,000 reserve forces have been mobilized, some of these National Guard or Reserve members have been called up more than once, and some of our servicemembers have been activated for nearly twenty-four months due to extensions of their orders or prevented due to “stop loss” from leaving military service at their expected time.

Needless to say, our armed forces are serving under stressful conditions, and they and their families are making great sacrifices. Accordingly, laws concerning reemployment rights, and legal and financial protections for our servicemembers play an integral part in their ability to serve the country. Indeed, if these laws are effectively administered and vigorously enforced, they not only provide comfort to our servicemembers and their families but they can also assist the Pentagon in its recruitment and retention efforts.

Mr. Speaker, this bill contains a host of quality provisions. I am particularly pleased that we have included measures to improve and perfect certain sections of the Servicemembers Civil Relief Act, such as defining certain terms under the Act; requiring that waivers of protections under the Act be highlighted and signed as separate documents; specify that the Act applies to either a plaintiff or defendant; clarify that dependents of servicemembers have the same right as the servicemember to terminate a lease when the servicemember is deployed or receives a permanent change of station; and prevents multiple taxation of certain servicemembers.

H.R. 4658 also provides important and timely amendments to the Uniformed Services Employment and Reemployment Rights Act. One important provision would extend reservists' ability to continue employer-sponsored health coverage from 18 to 24 months; another provision establishes a demonstration project for the investigation and enforcement of federal USERRA complaints by the Office of Special Counsel. Finally, in the area of reemployment rights, this legislation includes a measure, originally introduced by my friend, Representative JIM MCGOVERN of Massachusetts, to require employers to provide greater notice and awareness to employees about reservists' reemployment rights.

I am also pleased that the bill contains a very important measure introduced by SUSAN DAVIS of California to enhance the fiduciary program within the VA. We must do a better job in protecting vulnerable veterans from financial misdeeds, neglect and manipulation by unsavory individuals or entities.

I have been a member of the House of Representatives for over 20 years. I cannot recall any instance when a proposal sent to the Congress by any Administration—Democratic or Republican—to address a problem in meeting the needs of veterans having been favorably reported by the Committee was barred from consideration on the floor by the House Leadership. Sadly that day has arrived.

The bill we are considering today was overwhelmingly approved by the Committee with a

provision which would enable the Secretary to include a limited benefit for the newborn children of veterans who are eligible for maternity care from the Department of Veterans Affairs (VA). This provision was designed to address the difficulty which the Secretary has had in obtaining contracts in order to provide timely and adequate maternity care to service-disabled and low-income veterans. It was also designed to address the high cost of such care, which is charged when no provision is made for payment of services to newborn children.

As reported by the Committee, the bill would limit VA's liability by providing that VA payment would be made, only when there was no other resource, such as private health insurance or Medicaid responsible for the care. Care would only have been provided during the neonatal period and would have allowed a small window of time in order to obtain additional health care for those children who may qualify for other health care programs, such as Medicaid or State child health programs.

What message does this send to servicewomen risking their life and health in Iraq and Afghanistan today? What message does this send to service-disabled women veterans seeking maternity care from the VA today? I am extremely disappointed that in order for this bill to be considered by the House, it was necessary to eliminate the provision addressing a serious problem which will affect an increasing number of servicewomen in the months and years to come. I hope that we will address this issue early in the next session of Congress. Those women who have sacrificed for us deserve no less.

Mr. Speaker, H.R. 4658 includes many provisions aimed at protecting the legal, financial and employment rights of servicemembers, veterans and their families. Passing this bill sends the right message, and I urge all members to do just that.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise as a strong supporter of H.R. 4658, the Servicemembers Legal Protection Act of 2004, which would amend the Servicemembers Civil Relief Act to make certain improvements and technical corrections to that Act. I want to thank Chairman SMITH and Ranking Member EVANS for bringing this necessary piece of legislation before this entire body.

This legislation is one that is aimed at protecting members of the military by amending the Servicemembers Civil Relief Act (SCRA). The SCRA is a Federal law that updates and expands all military members' important financial and legal rights as they enter active duty or are deployed to new duty stations. This legislation recognizes the unique circumstances that members of the military are often faced with because of the nature of their work. This legislation prohibits tax jurisdictions from imposing use, excise, or similar taxes on the personal property of nonresident servicemembers absent a credit for such taxes paid on the same property in another tax jurisdiction. Members of the military are always ready to be on the move in order to serve our Nation, and we must protect their personal interests because of these unique circumstances.

This legislation is also welcome because it protects the interests of the families of those who serve in the Armed Forces. This legislation states that a servicemember's termination of a residential or motor vehicle lease shall

terminate any obligation of the servicemember's dependents under such lease. This provision is necessary because no family should have to bear the financial burden when a family member is asked to move to fulfill their orders in the Armed Forces. Again, I urge all Members to approve H.R. 4658, because we should never leave our brave men and women of the Armed Forces in the dark when it comes to protecting their financial and legal rights.

Mr. MCGOVERN. Mr. Speaker, I rise in strong support of H.R. 4658, the Servicemembers Legal Protection Act of 2004. This important legislation includes a number of provisions intended to enhance and improve the quality of life of our troops, veterans, and military families. Specifically, I would like to address Section 211 of H.R. 4658 that amends the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Since September 11, 2001, over 400,000 National Guardsmen and Reservists have been placed on active duty. Not since World War II have so many National Guardsmen and Reservists been called to active duty. They and their families face many burdens in service to their country. Their service has taken them away from not only their families, but their jobs as well.

One burden faced by the men and women of the National Guard and Reserves is their employment status upon return from active duty. The uncertainty of their activation and period of time away from their jobs also severely affects their employers, a situation that has been compounded by extended deployments. The U.S. Chamber of Commerce has estimated that 70 percent of military reservists called to active-duty work in small or medium-size companies.

In an effort to assist National Guardsmen, Reservists, and their employers, the National Committee for Employer Support of the Guard and Reserve (ESGR) was established to address potential problems arising among the Nation's employers. Trained ESGR employers manage to solve roughly 95 percent of the cases where problems have arisen when a Reserve or Guard member returns to his or her workplace through an informal process—without the Department of Labor having to get involved.

What about the other five percent? According to the ESGR, many of the problems facing this five percent of cases grew out of a lack of understanding of the rights and responsibilities of employers and their returning employees.

In response, I introduced H.R. 4477 with the bipartisan support of U.S. Representative JEB BRADLEY. The Committee on Veterans Affairs incorporated H.R. 4477 into Section 211 of H.R. 4658, the bill the House is considering today. Section 211 is simple and straightforward. It seeks to promote understanding between employees and employers when it comes to their rights and obligations under USERRA. Section 211 would require the Department of Labor to produce a poster—similar to the Family and Medical Leave poster—for employers to post at work sites.

Mr. Speaker, many employers across the country either do not know about USERRA, or they are only vaguely aware of it. By not complying with USERRA, employers put themselves at risk of facing Department of Labor investigations. By educating employers and



employees before potential violations, we can protect employers from costly litigation, potential fines, and public embarrassment.

Mr. Speaker, Section 211 would not create additional paper work or burden employers with difficult Department of Labor requirements. In fact, Section 211 is an effort to educate employers and keep them from unknowingly breaking existing law.

Let me briefly share with you how I came to introduce H.R. 4477. I was contacted by a constituent who is a member of the Massachusetts ESGR. He suggested that simply altering USERRA to require its posting would solve many of the problems that he had seen arise between employers and returning Reservists and Guardsmen. He described how many employers are not fully aware of their responsibilities under USERRA, and why many employees are afraid to exercise their rights, even though those rights are protected by USERRA. In posting USERRA and familiarizing themselves with the law, employers and employees will gain a deeper understanding of USERRA and preferably work out any potential conflicts before employees are activated.

Mr. Speaker, I would like to thank Chairman CHRIS SMITH and Ranking Member LANE EVANS of the Committee on Veterans Affairs, as well as Chairman HENRY BROWN and Ranking Member MICHAEL MICHAUD of the Subcommittee on Benefits, for moving forward with H.R. 4658. Their dedication and leadership on issues affecting the well-being of our veterans and uniformed men and women are appreciated and respected by all members of this House, including myself. I would also like to extend my thanks to the staff of the Committee on Veterans Affairs for their hard work on H.R. 4658. In particular, I would like to extend my deep appreciation to Geoffrey Colver of the Democratic Staff of the Committee on Veterans Affairs for working closely with me on Section 211.

Mr. Speaker, I strongly urge the adoption of H.R. 4658.

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

The SPEAKER pro tempore (Mr. OSE). 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. 4658, 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 the Servicemembers Civil Relief Act to make certain improvements and technical corrections to that Act, otherwise to improve legal protections provided to reserve component members called to active duty, and for other purposes."

A motion to reconsider was laid on the table.

#### CONGRATULATING AND COMMENDING THE VETERANS OF FOREIGN WARS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res.

108) congratulating and commending the Veterans of Foreign Wars.

The Clerk read as follows:

H.J. RES. 108

Whereas the organization now known as the Veterans of Foreign Wars of the United States was founded in Columbus, Ohio, on September 29, 1899;

Whereas the VFW represents approximately 2,000,000 veterans of the Armed Forces who served overseas in World War I, World War II, Korea, Vietnam, the Persian Gulf War, Bosnia, Iraq, and Afghanistan; and

Whereas the VFW has, for the past 105 years, provided voluntary and unselfish service to the Armed Forces and to veterans, communities, States, and the Nation and has worked toward the betterment of veterans in general and society as a whole: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Congress—

(1) recognizes the historic significance of the 105th anniversary of the founding of the Veterans of Foreign Wars of the United States (the VFW);

(2) congratulates the VFW on achieving that milestone;

(3) commends the approximately 2,000,000 veterans who belong to the VFW and thanks them for their service to their fellow veterans and the Nation; and

(4) calls upon the President to issue a proclamation recognizing the anniversary of the VFW and the contributions made by the VFW to veterans and the Nation and calling upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Maine (Mr. MICHAUD) 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.

Mr. Speaker, I rise in support of H.J. Res. 108 which would congratulate and commend the Veterans of Foreign Wars on its 105th anniversary. Tracing its roots back to the Spanish-American war, the VFW is one of the Nation's oldest, largest and one of the most respected veterans service organizations. The VFW has a proud history of directly supporting America's veterans and their families. Over 100 full-time service officers work directly with veterans on claims for VA benefits and oversee VA's programs around the country as well. VFW's "Buddy Poppy" program is a symbol of their continuing tradition of caring for fellow veterans, and their community service programs have made VFW a valued partner for thousands of charitable and civic organizations around the country.

Mr. Speaker, I can attest to the valuable contributions of the VFW's legislative specialists who continue to provide expert advice and counsel to help us develop State and national veterans priorities and policy. Over the past 4 years, I have had the privilege, and before that for 6 years as vice chairman of the committee and the last 4 as chairman, of working closely with nu-

merous VFW leaders both on the national level and on the State level back in my home State of New Jersey. My colleagues and I have benefited from the candid advice of VFW's Executive Director Bob Wallace from New Jersey, Legislative Director Dennis Cullinan, and past Commanders in Chief Ed Banas, Ray Sisk and John Gwizdak. We also look forward to working with the new Commander in Chief John Furgess.

I would also like to thank the leaders of the VFW in my home State of New Jersey, especially longtime leader and friend Mike Wysong. For the entire 24 years that I have served in Congress and on Committee on Veterans' Affairs, I have always been able to count on my State VFW leaders to lend their support and offer their ideas to help our State's veterans and also with national issues as well.

Mr. Speaker, I urge Members to support this resolution. It is a fine one.

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

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure that I rise in support of this joint resolution to congratulate and commend the Veterans of Foreign Wars for 105 years of dedicated service. These congratulations extend not only to the current members of the more than 9,000 VFW posts worldwide but to all members since the beginning of this accomplished veterans service organization who served in wartime overseas.

I would also like to recognize the contributions the VFW has made in my State of Maine. From Fort Kent in the north to Kittery in the south, the 13,500 members of the VFW located in 83 individual posts have always worked to improve the lives of veterans and our communities and I am honored to call many of them my friends.

The VFW's origins extend back to 1899 with the founding of the American Veterans of Foreign Service and the National Society of the Army of the Philippines, which merged in 1914 to form the Veterans of Foreign Wars of the United States. Originally the organization was created to help secure rights and benefits for veterans of the Spanish-American War and the Philippines War. They succeeded then as they do now, speaking with a loud and clear collective voice to serve veterans. This organization is to be congratulated and commended. The authors of this joint resolution are also to be commended for their efforts to recognize this great service organization.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, we are incredibly blessed in this country to have a group of veterans service organizations looking out for the best interest of our veterans. For the last 105 years, the Veterans of Foreign Wars have been making a difference in the lives of those who have given so much to this country, our veterans and their families.