

# Union Calendar No. 186

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3949

[Report No. 111-324]

To amend title 38, United States Code, and the Servicemember Civil Relief Act, to make certain improvements in the laws relating to benefits administered by the Secretary of Veterans Affairs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2009

Mr. FILNER (for himself, Mr. BUYER, Ms. CORRINE BROWN of Florida, Mr. BROWN of South Carolina, Mr. SNYDER, Mr. MILLER of Florida, Ms. HERSETH SANDLIN, Mr. BOOZMAN, Mr. MITCHELL, Mr. BUCHANAN, Mr. HALL of New York, Mr. ROE of Tennessee, Mrs. HALVORSON, Mr. PERRIELLO, Mr. TEAGUE, Mr. RODRIGUEZ, Mr. MCNERNEY, Mr. WALZ, Mr. ADLER of New Jersey, Mrs. KIRKPATRICK of Arizona, Mr. NYE, Mr. MCINTYRE, and Mr. FRANK of Massachusetts) introduced the following bill; which was referred to the Committee on Veterans' Affairs

NOVEMBER 2, 2009

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

# **A BILL**

To amend title 38, United States Code, and the Servicemember Civil Relief Act, to make certain improvements in the laws relating to benefits administered by the Secretary of Veterans Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
 5 “Veterans’ Small Business Assistance and  
 6 Servicemembers Protection Act of 2009”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 38, United States Code.

**TITLE I—SMALL BUSINESS AND EDUCATION MATTERS**

- Sec. 101. Clarification of responsibility of Secretary of Veterans Affairs to verify small business ownership.
- Sec. 102. Improvement of Department of Veterans Affairs contracting goals and preferences for small business concerns owned and controlled by veterans.
- Sec. 103. Reauthorization of Veterans’ Advisory Committee on Education.

**TITLE II—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS**

- Sec. 201. Termination of service contracts.
- Sec. 202. Residential and motor vehicle leases.
- Sec. 203. Enforcement by the Attorney General and by private right of action.

**TITLE III—OTHER BENEFITS MATTERS**

- Sec. 301. Improvement of outreach activities within Department of Veterans Affairs.
- Sec. 302. Visual impairment and orientation and mobility professionals education assistance program.
- Sec. 303. Interment in national cemeteries of parents of certain deceased veterans.

9 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

10 Except as otherwise expressly provided, whenever in  
 11 this Act an amendment or repeal is expressed in terms  
 12 of an amendment to, or repeal of, a section or other provi-  
 13 sion, the reference shall be considered to be made to a  
 14 section or other provision of title 38, United States Code.

1 **TITLE I—SMALL BUSINESS AND**  
2 **EDUCATION MATTERS**

3 **SEC. 101. CLARIFICATION OF RESPONSIBILITY OF SEC-**  
4 **RETARY OF VETERANS AFFAIRS TO VERIFY**  
5 **SMALL BUSINESS OWNERSHIP.**

6 (a) **SHORT TITLE.**—This section may be cited as the  
7 “Veterans Small Business Verification Act”.

8 (b) **CLARIFICATION OF RESPONSIBILITY OF SEC-**  
9 **RETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSI-**  
10 **NESS OWNERSHIP.**—

11 (1) **CLARIFICATION.**—Section 8127(f) is  
12 amended—

13 (A) in paragraph (2)—

14 (i) by inserting “(A)” before “To be  
15 eligible”;

16 (ii) by inserting after “or the vet-  
17 eran.” the following new sentence: “Appli-  
18 cation for inclusion in the database shall  
19 constitute permission under section 552a  
20 of title 5 (commonly referred to as the Pri-  
21 vacy Act) for the Secretary to access such  
22 personal information maintained by the  
23 Secretary as may be necessary to verify the  
24 information contained in the application.”;  
25 and

1 (iii) by inserting after the sentence  
2 added by subparagraph (B) the following  
3 new subparagraph:

4 “(B) If the Secretary receives an application for  
5 inclusion in the database from an individual whose  
6 status as a veteran cannot be verified because the  
7 Secretary does not maintain information with re-  
8 spect to the veteran status of the individual, the Sec-  
9 retary may not include the small business concern  
10 owned or controlled by the individual in the database  
11 maintained by the Secretary until the Secretary re-  
12 ceives such information as may be necessary to  
13 verify that the individual is a veteran.”; and

14 (B) by striking paragraph (4) and insert-  
15 ing the following new paragraph (4):

16 “(4) No small business concern may be listed in the  
17 database until the Secretary has verified that—

18 “(A) the small business concern is owned and  
19 controlled by veterans; and

20 “(B) in the case of a small business concern for  
21 which the person who owns or controls the concern  
22 indicates that the person is a veteran with a service-  
23 connected disability, that the person is a veteran  
24 with a service-connected disability.”.

1           (2) APPLICABILITY.—In the case of a small  
2 business concern included in the database as of the  
3 date of the enactment of this Act for which, as of  
4 such date, the Secretary of Veterans Affairs has not  
5 verified the status of such concern in accordance  
6 with paragraph (4) of subsection (f) of section 8127  
7 of title 38, United States Code, as amended by sub-  
8 section (a), not later than 60 days after the date of  
9 the enactment of this Act, the Secretary shall notify  
10 the person who owns or controls the concern that—

11           (A) the Secretary is required to verify the  
12 status of the concern in accordance with such  
13 paragraph;

14           (B) verification of such status shall require  
15 that the person who owns or controls the con-  
16 cern apply for inclusion in the database in ac-  
17 cordance with such subsection, as so amended;

18           (C) application for inclusion in the data-  
19 base shall constitute permission under section  
20 552a of title 5, United States Code (commonly  
21 referred to as the Privacy Act), for the Sec-  
22 retary to access such personal information  
23 maintained by the Secretary as may be nec-  
24 essary to verify the information contained in  
25 the application; and

1 (D) the person who owns or controls the  
2 concern must submit to the Secretary an af-  
3 firmative acknowledgment of the requirement  
4 under paragraph (3) within 90 days of receiving  
5 the Secretary's notice of such requirement or  
6 the concern shall be removed from the data-  
7 base.

8 **SEC. 102. IMPROVEMENT OF DEPARTMENT OF VETERANS**  
9 **AFFAIRS CONTRACTING GOALS AND PREF-**  
10 **ERENCES FOR SMALL BUSINESS CONCERNS**  
11 **OWNED AND CONTROLLED BY VETERANS.**

12 (a) IN GENERAL.—Section 8127, as amended by sec-  
13 tion 101, is further amended in subsection (c), by striking  
14 “may” and inserting “shall”.

15 (b) DEADLINE FOR INTERIM POLICY GUIDANCE.—  
16 By not later than 30 days after the date of the enactment  
17 of this Act, the Secretary of Veterans Affairs shall issue  
18 interim policy guidance to carry out the amendment made  
19 by subsection (a).

20 **SEC. 103. REAUTHORIZATION OF VETERANS' ADVISORY**  
21 **COMMITTEE ON EDUCATION.**

22 Section 3692(c) is amended by striking “December  
23 31, 2009” and inserting “December 31, 2015”.

1       **TITLE II—SERVICEMEMBERS**  
2       **CIVIL RELIEF ACT MATTERS**

3       **SEC. 201. TERMINATION OF SERVICE CONTRACTS.**

4       (a) IN GENERAL.—Section 305A of the  
5 Servicemembers Civil Relief Act (50 U.S.C. App. 535a)  
6 is amended to read as follows:

7       **“SEC. 305A. TERMINATION OF SERVICE CONTRACTS.**

8       “(a) TERMINATION BY SERVICEMEMBER.—A service-  
9 member may terminate a contract described in subsection  
10 (c) at any time after the date the servicemember receives  
11 military orders—

12               “(1) to deploy with a military unit, or as an in-  
13 dividual, in support of a contingency operation for a  
14 period of not less than 90 days; or

15               “(2) for a change of permanent station to a lo-  
16 cation that does not support the contract.

17       “(b) SPECIAL RULE FOR CELLULAR OR TELEPHONE  
18 EXCHANGE SERVICE.—In any case in which a contract  
19 being terminated under subsection (a) or (d) is for cellular  
20 telephone service or telephone exchange service, the serv-  
21 icemember may keep, to the extent practicable and in ac-  
22 cordance with applicable law, the telephone number the  
23 servicemember has under the contract for a period not to  
24 exceed 90 days after the period of deployment or change  
25 of permanent station has concluded.

1       “(c) COVERED CONTRACTS.—This section applies to  
2 a contract for cellular telephone service, telephone ex-  
3 change service, multichannel video programming service,  
4 Internet access service, or residential utility service involv-  
5 ing the provision of water, electricity, home heating oil,  
6 or natural gas.

7       “(d) FAMILY PLANS.—In the case of a contract for  
8 cellular telephone service entered into by any individual  
9 in which a servicemember is a designated beneficiary of  
10 such contract, the individual may terminate such con-  
11 tract—

12               “(1) with respect to the servicemember if the  
13 servicemember is eligible to terminate contracts pur-  
14 suant to subsection (a); and

15               “(2) with respect to all of the designated bene-  
16 ficiaries of such contract if all such beneficiaries ac-  
17 company the servicemember in a change of perma-  
18 nent station to a location that does not support the  
19 contract.

20       “(e) MANNER OF TERMINATION.—Termination of a  
21 contract under subsection (a) or (d) shall be made by de-  
22 livery of a written notice of such termination and a copy  
23 of the servicemember’s military orders to the service pro-  
24 vider, delivered—

25               “(1) by hand delivery;

1           “(2) by private business carrier;

2           “(3) by facsimile; or

3           “(4) by United States mail, addressed as des-  
4           ignated by the service provider, return receipt re-  
5           quested, with sufficient postage.

6           “(f) DATE OF CONTRACT TERMINATION.—Termi-  
7           nation of a contract under subsection (a) or (d) is effective  
8           as of the date on which the notice under subsection (e)  
9           is delivered.

10          “(g) OTHER OBLIGATIONS AND LIABILITIES.—The  
11          service provider under the contract may not impose an  
12          early termination charge, but any tax or any other obliga-  
13          tion or liability of the servicemember that, in accordance  
14          with the terms of the contract, is due and unpaid or  
15          unperformed at the time of termination of the contract  
16          shall be paid or performed by the servicemember. If the  
17          servicemember re-subscribes to the service provided under  
18          a covered contract in the 90-day period after the period  
19          of deployment or change of permanent station has con-  
20          cluded, the service provider may not impose a charge for  
21          reinstating service, other than a charge to cover any cost  
22          of installing or acquiring new equipment that existing cus-  
23          tomers received, and for which such customers paid a simi-  
24          lar charge, during such period.

1       “(h) RETURN OF ADVANCE PAYMENTS.—Not later  
2 than 60 days after the effective date of the termination  
3 of the contract, the service provider shall refund to the  
4 servicemember any fee or other amount to the extent paid  
5 for a period extending after such date, except for the re-  
6 mainder of the monthly or similar billing period in which  
7 the termination occurs if it is not reasonably possible to  
8 determine a pro-rata amount for such remainder.

9       “(i) DEFINITIONS.—In this section:

10           “(1) The term ‘cellular telephone service’ means  
11 commercial mobile service, as that term is defined in  
12 section 332(d) of the Communications Act of 1934  
13 (47 U.S.C. 332(d)).

14           “(2) The term ‘contingency operation’ has the  
15 meaning given that term by section 101(a)(13) of  
16 title 10, United States Code.

17           “(3) The term ‘Internet access service’ has the  
18 meaning given that term under section 231(e)(4) of  
19 the Communications Act of 1934 (47 U.S.C.  
20 231(e)(4)).

21           “(4) The term ‘multichannel video program-  
22 ming service’ means video programming service pro-  
23 vided by a multichannel video programming dis-  
24 tributor, as such term is defined in section 602(13)

1 of the Communications Act of 1934 (47 U.S.C.  
2 522(13)).

3 “(5) The term ‘telephone exchange service’ has  
4 the meaning given that term under section 3 of the  
5 Communications Act of 1934 (47 U.S.C. 153).”.

6 (b) TECHNICAL AMENDMENT TO CONFORM HEAD-  
7 ING OF TITLE III TO THE CONTENTS OF THE TITLE.—  
8 The heading for title III of such Act is amended by insert-  
9 ing “, **SERVICE CONTRACTS**” after “**LEASES**”.

10 (c) CLERICAL AMENDMENTS.—The table of contents  
11 in section 1(b) of such Act is amended—

12 (1) by striking the item relating to title III and  
13 inserting the following new item:

“TITLE III. RENT, INSTALLMENT CONTRACTS, MORTGAGES,  
LIENS, ASSIGNMENT, LEASES, SERVICE CONTRACTS”;

14 and

15 (2) by striking the item relating to section  
16 305A and inserting the following new item:

“Sec. 305A. Termination of service contracts.”.

17 **SEC. 202. RESIDENTIAL AND MOTOR VEHICLE LEASES.**

18 Subsection (e) of section 305 of the Servicemembers  
19 Civil Relief Act (50 U.S.C. App. 535) is amended to read  
20 as follows:

21 “(e) **ARREARAGES AND OTHER OBLIGATIONS AND**  
22 **LIABILITIES.**—

1           “(1) LEASES OF PREMISES.—Rent amounts for  
2           a lease described in subsection (b)(1) that are un-  
3           paid for the period preceding the effective date of  
4           the lease termination shall be paid on a prorated  
5           basis. The lessor may not impose an early termi-  
6           nation charge, but any taxes, summonses, or other  
7           obligations and liabilities of the lessee in accordance  
8           with the terms of the lease, including reasonable  
9           charges to the lessee for excess wear, that are due  
10          and unpaid at the time of termination of the lease  
11          shall be paid by the lessee.

12          “(2) LEASES OF MOTOR VEHICLES.—Lease  
13          amounts for a lease described in subsection (b)(2)  
14          that are unpaid for the period preceding the effective  
15          date of the lease termination shall be paid on a pro-  
16          rated basis. The lessor may not impose an early ter-  
17          mination charge, but any taxes, summonses, title  
18          and registration fees, or other obligations and liabil-  
19          ities of the lessee in accordance with the terms of  
20          the lease, including reasonable charges to the lessee  
21          for excess wear or use and mileage, that are due and  
22          unpaid at the time of termination of the lease shall  
23          be paid by the lessee.”.

1 **SEC. 203. ENFORCEMENT BY THE ATTORNEY GENERAL AND**  
2 **BY PRIVATE RIGHT OF ACTION.**

3 (a) IN GENERAL.—The Servicemembers Civil Relief  
4 Act (50 U.S.C. App. 501 et seq.) is amended by adding  
5 at the end the following new title:

6 **“TITLE VIII—CIVIL LIABILITY**

7 **“SEC. 801. ENFORCEMENT BY THE ATTORNEY GENERAL.**

8 “(a) CIVIL ACTION.—The Attorney General may  
9 commence a civil action in any appropriate United States  
10 district court against any person who—

11 “(1) engages in a pattern or practice of vio-  
12 lating this Act; or

13 “(2) engages in a violation of this Act that  
14 raises an issue of significant public importance.

15 “(b) RELIEF.—In a civil action commenced under  
16 subsection (a), the court may—

17 “(1) grant any appropriate equitable or declara-  
18 tory relief with respect to the violation;

19 “(2) award all other appropriate relief, includ-  
20 ing monetary damages, to any person aggrieved by  
21 the violation; and

22 “(3) may, to vindicate the public interest, as-  
23 sess a civil penalty—

24 “(A) in an amount not exceeding \$55,000  
25 for a first violation; and

1                   “(B) in an amount not exceeding \$110,000  
2                   for any subsequent violation.

3           “(c) INTERVENTION.—Upon timely application, a  
4 person aggrieved by a violation with respect to which the  
5 civil action is commenced may intervene in such action,  
6 and may obtain such appropriate relief as the person could  
7 obtain in a civil action under section 802 with respect to  
8 that violation, along with costs and a reasonable attorney  
9 fee.

10 **“SEC. 802. PRIVATE RIGHT OF ACTION.**

11           “(a) IN GENERAL.—Any person aggrieved by a viola-  
12 tion of this Act may in a civil action—

13                   “(1) obtain any appropriate equitable or declar-  
14 atory relief with respect to the violation; and

15                   “(2) recover all other appropriate relief, includ-  
16 ing monetary damages.

17           “(b) COSTS AND ATTORNEY FEES.—The court may  
18 award to a servicemember who prevails in an action  
19 brought under subsection (a) the costs of the action, in-  
20 cluding a reasonable attorney fee.

21 **“SEC. 803. PRESERVATION OF REMEDIES.**

22           “Nothing in section 801 or 802 shall be construed  
23 to preclude or limit any remedy otherwise available under  
24 other law, including consequential and punitive dam-  
25 ages.”.

1 (b) CONFORMING AMENDMENTS.—Such Act is fur-  
2 ther amended as follows:

3 (1) Section 207 (50 U.S.C. App. 527) is  
4 amended by striking subsection (f).

5 (2) Section 301(c) (50 U.S.C. App. 531(c)) is  
6 amended to read as follows:

7 “(c) MISDEMEANOR.—Except as provided in sub-  
8 section (a), a person who knowingly takes part in an evic-  
9 tion or distress described in subsection (a), or who know-  
10 ingly attempts to do so, shall be fined as provided in title  
11 18, United States Code, or imprisoned for not more than  
12 one year, or both.”.

13 (3) Section 302(b) (50 U.S.C. App. 532(b)) is  
14 amended to read as follows:

15 “(b) MISDEMEANOR.—A person who knowingly re-  
16 sumes possession of property in violation of subsection (a),  
17 or in violation of section 107 of this Act, or who knowingly  
18 attempts to do so, shall be fined as provided in title 18,  
19 United States Code, or imprisoned for not more than one  
20 year, or both.”.

21 (4) Section 303(d) (50 U.S.C. App. 533(d)) is  
22 amended to read as follows:

23 “(d) MISDEMEANOR.—A person who knowingly  
24 makes or causes to be made a sale, foreclosure, or seizure  
25 of property that is prohibited by subsection (c), or who

1 knowingly attempts to do so, shall be fined as provided  
2 in title 18, United States Code, or imprisoned for not more  
3 than one year, or both.”.

4           (5) Section 305(h) (50 U.S.C. App. 535(h)) is  
5 amended to read as follows:

6           “(h) MISDEMEANOR.—Any person who knowingly  
7 seizes, holds, or detains the personal effects, security de-  
8 posit, or other property of a servicemember or a  
9 servicemember’s dependent who lawfully terminates a  
10 lease covered by this section, or who knowingly interferes  
11 with the removal of such property from premises covered  
12 by such lease, for the purpose of subjecting or attempting  
13 to subject any of such property to a claim for rent accru-  
14 ing subsequent to the date of termination of such lease,  
15 or attempts to do so, shall be fined as provided in title  
16 18, United States Code, or imprisoned for not more than  
17 one year, or both.”.

18           (6) Section 306(e) (50 U.S.C. App. 536(e)) is  
19 amended to read as follows:

20           “(e) MISDEMEANOR.—A person who knowingly takes  
21 an action contrary to this section, or attempts to do so,  
22 shall be fined as provided in title 18, United States Code,  
23 or imprisoned for not more than one year, or both.”.

24           (7) Section 307(c) (50 U.S.C. App. 537(c)) is  
25 amended to read as follows:



1 “(4) The Veterans Benefits Administration.

2 “(5) The National Cemetery Administration.

3 “(b) ANNUAL REVIEW OF PROCEDURES.—The Sec-  
4 retary shall—

5 “(1) annually review the procedures in effect  
6 under subsection (a) for the purpose of ensuring  
7 that those procedures meet the requirements of that  
8 subsection; and

9 “(2) make such modifications to those proce-  
10 dures as the Secretary considers appropriate in light  
11 of such review in order to better achieve that pur-  
12 pose.

13 **“§ 562. Outreach activities: cooperative activities**  
14 **with States; grants to States for improve-**  
15 **ment of outreach**

16 “(a) PURPOSE.—It is the purpose of this section to  
17 provide for assistance by the Secretary to State and coun-  
18 ty veterans agencies to carry out programs in locations  
19 within the respective jurisdictions of such agencies that  
20 offer a high probability of improving outreach and assist-  
21 ance to veterans, and to the spouses, children, and parents  
22 of veterans, to ensure that such individuals are fully in-  
23 formed about, and assisted in applying for, any veterans’  
24 and veterans-related benefits and programs (including  
25 State veterans’ programs) for which they may be eligible.

1           “(b) PRIORITY FOR AREAS WITH HIGH CONCENTRA-  
2 TION OF ELIGIBLE INDIVIDUALS.—In providing assist-  
3 ance under this section, the Secretary shall give priority  
4 to State and county veteran agencies in locations—

5           “(1) that have relatively large concentrations of  
6 populations of veterans and other individuals re-  
7 ferred to in subsection (a); or

8           “(2) that are experiencing growth in the popu-  
9 lation of veterans and other individuals referred to  
10 in subsection (a).

11          “(c) CONTRACTS FOR OUTREACH SERVICES.—The  
12 Secretary may enter into a contract with a State or county  
13 veterans agency in order to carry out, coordinate, improve,  
14 or otherwise enhance outreach by the Department and the  
15 State or county (including outreach with respect to a State  
16 or county veterans program). As a condition of entering  
17 into any such contract, the Secretary shall require the  
18 agency to submit annually to the Secretary a three-year  
19 plan for the use of any funds provided to the agency pur-  
20 suant to the contract and to meet the annual outcome  
21 measures developed by the Secretary under subsection  
22 (d)(4).

23          “(d) GRANTS.—(1) The Secretary may make a grant  
24 to a State or county veterans agency to be used to carry  
25 out, coordinate, improve, or otherwise enhance—

1           “(A) outreach activities, including activities car-  
2           ried out pursuant to a contract entered into under  
3           subsection (c); and

4           “(B) activities to assist in the development and  
5           submittal of claims for veterans and veterans-related  
6           benefits, including activities carried out pursuant to  
7           a contract entered into under subsection (c).

8           “(2) A State veterans agency that receives a grant  
9           under this subsection may award all or a portion of the  
10          grant to county veterans agencies within the State to pro-  
11          vide outreach services for veterans, on the basis of the  
12          number of veterans residing in the jurisdiction of each  
13          county.

14          “(3) To be eligible for a grant under this subsection,  
15          a State or county veterans agency shall submit to the Sec-  
16          retary an application containing such information and as-  
17          surances as the Secretary may require. The Secretary  
18          shall require a State or county veterans agency to include,  
19          as part of the agency’s application—

20                 “(A) a three-year plan for the use of the grant;  
21                 and

22                 “(B) a description of the programs through  
23                 which the agency will meet the annual outcome  
24                 measures developed by the Secretary under para-  
25                 graph (4).

1       “(4)(A) The Secretary shall develop and provide to  
2 the recipient of a grant under this subsection written guid-  
3 ance on annual outcome measures, Department policies,  
4 and procedures for applying for grants under this section.

5       “(B) The Secretary shall annually review the per-  
6 formance of each State or county veterans agency that re-  
7 ceives a grant under this section.

8       “(C) In the case of a State or county veterans agency  
9 that is a recipient of a grant under this subsection that  
10 does not meet the annual outcome measures developed by  
11 the Secretary, the Secretary shall require the agency to  
12 submit a remediation plan under which the agency shall  
13 describe how and when it plans to meet such outcome  
14 measures. The Secretary must approve such plan before  
15 the Secretary may make a subsequent grant to that agen-  
16 cy under this subsection.

17       “(5) No portion of any grant awarded under this sub-  
18 section may be used for the purposes of administering the  
19 grant funds or to subsidize the salaries of State or county  
20 veterans service officers or other employees of a State or  
21 county veterans agency that receives a grant under this  
22 subsection.

23       “(6) Federal funds provided to a State or county vet-  
24 erans agency under this subsection may not be used to  
25 provide more than 50 percent of the total cost of the State

1 or county government activities described in paragraph (1)  
2 and shall be used to expand existing outreach programs  
3 and services and not to supplant State and local funding  
4 that is otherwise available.

5 “(7) In awarding grants under this subsection, the  
6 Secretary shall give priority to State and county veterans  
7 agencies that serve the largest populations of veterans.

8 “(8)(A) In a case in which a county government does  
9 not have a county veterans agency, the county government  
10 may be awarded a grant under this subsection to establish  
11 such an agency.

12 “(B) In a case in which a county government does  
13 not have a county veterans agency and does not seek to  
14 establish such an agency through the use of a grant under  
15 this subsection, the State veterans agency for the State  
16 in which the county is located may use a grant under this  
17 section to provide outreach services for that county.

18 “(C) In the case of a State in which no State or coun-  
19 ty veterans agency seeks to receive a grant under this sub-  
20 section, the funds that would otherwise be allocated for  
21 that State shall be reallocated to those States in which  
22 county veterans agencies exist and have sought grants  
23 under this subsection.

24 “(9) A grant under this subsection may be used to  
25 provide education and training, including on-the-job train-

1 ing, for State, county, and local government employees  
2 who provide (or when trained will provide) veterans out-  
3 reach services in order for those employees to obtain ac-  
4 creditation in accordance with procedures approved by the  
5 Secretary and, for employees so accredited, for purposes  
6 of continuing education.

7 “(e) DEFINITIONS.—For the purposes of this section:

8 “(1) The term ‘State veterans agency’ means the ele-  
9 ment of the government of a State that has responsibility  
10 for programs and activities of that State government relat-  
11 ing to veterans benefits.

12 “(2) The term ‘county veterans agency’ means the  
13 element of the government of a county or municipality  
14 that has responsibility for programs and activities of that  
15 county or municipal government relating to veterans bene-  
16 fits.

17 **“§ 563. Outreach activities: funding**

18 “(a) SEPARATE ACCOUNT.—Amounts for the out-  
19 reach activities of the Department under this subchapter  
20 shall be budgeted and appropriated through a separate ap-  
21 propriation account.

22 “(b) SEPARATE STATEMENT OF AMOUNT.—In the  
23 budget justification materials submitted to Congress in  
24 support of the Department budget for any fiscal year (as  
25 submitted with the budget of the President under section

1 1105(a) of title 31), the Secretary shall include a separate  
 2 statement of the amount requested to be appropriated for  
 3 that fiscal year for the account specified in subsection (a).

4 **“§ 564. Definition of outreach**

5 “For purposes of this subchapter, the term ‘outreach’  
 6 means the act or process of taking steps in a systematic  
 7 manner to provide information, services, and benefits  
 8 counseling to veterans, and the survivors of veterans, who  
 9 may be eligible to receive benefits under the laws adminis-  
 10 tered by the Secretary to ensure that those individuals are  
 11 fully informed about, and assisted in applying for, any  
 12 benefits and programs under such laws for which they may  
 13 be eligible.

14 **“§ 565. Authorization of appropriations**

15 “There is authorized to be appropriated to the Sec-  
 16 retary for each of fiscal years 2011, 2012, and 2013,  
 17 \$25,000,000 to carry out this subchapter, including mak-  
 18 ing grants under section 562(d) of this title.”.

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

“SUBCHAPTER IV—OUTREACH ACTIVITIES

“561. Outreach activities: coordination of activities within the Department.

“562. Outreach activities: cooperative activities with States; grants to States for  
 improvement of outreach.

“563. Outreach activities: funding.

“564. Definition of outreach.

“565. Authorization of appropriations.”.

1 (c) DEADLINE FOR IMPLEMENTATION.—The Sec-  
 2 retary of Veterans Affairs shall implement the outreach  
 3 activities required under subchapter IV of chapter 5 of  
 4 title 38, United States Code, as added by subsection (a),  
 5 by not later than 120 days after the date of the enactment  
 6 of this Act.

7 **SEC. 302. VISUAL IMPAIRMENT AND ORIENTATION AND MO-**  
 8 **BILITY PROFESSIONALS EDUCATION ASSIST-**  
 9 **ANCE PROGRAM.**

10 (a) ESTABLISHMENT OF PROGRAM.—Part V is  
 11 amended by adding at the end the following new chapter:  
 12 **“CHAPTER 80—VISUAL IMPAIRMENT AND**  
 13 **ORIENTATION AND MOBILITY PROFES-**  
 14 **SIONALS EDUCATION ASSISTANCE**  
 15 **PROGRAM**

“Sec.

“8001. Establishment of scholarship program; purpose.

“8002. Application and acceptance.

“8003. Amount of assistance; duration.

“8004. Agreement.

“8005. Repayment for failure to satisfy requirements of agreement.

16 **“§ 8001. Establishment of scholarship program; pur-**  
 17 **pose**

18 “(a) ESTABLISHMENT.—Subject to the availability of  
 19 appropriations, the Secretary shall establish and carry out  
 20 a scholarship program to provide financial assistance in  
 21 accordance with this chapter to an individual—

1           “(1) who is accepted for enrollment or currently  
2           enrolled in a program of study leading to a degree  
3           or certificate in visual impairment or orientation and  
4           mobility, or a dual degree or certification in both  
5           such areas, at an accredited (as determined by the  
6           Secretary) educational institution that is in a State;  
7           and

8           “(2) who enters into an agreement with the  
9           Secretary as described in section 8004 of this chap-  
10          ter.

11          “(b) PURPOSE.—The purpose of the scholarship pro-  
12          gram established under this chapter is to increase the sup-  
13          ply of qualified blind rehabilitation specialists for the De-  
14          partment and the Nation.

15          “(c) OUTREACH.—The Secretary shall publicize the  
16          scholarship program established under this chapter to edu-  
17          cational institutions throughout the United States, with  
18          an emphasis on disseminating information to such institu-  
19          tions with high numbers of Hispanic students and to His-  
20          torically Black Colleges and Universities.

21          **“§ 8002. Application and acceptance**

22          “(a) APPLICATION.—(1) To apply and participate in  
23          the scholarship program under this chapter, an individual  
24          shall submit to the Secretary an application for such par-  
25          ticipation together with an agreement described in section

1 8004 of this chapter under which the participant agrees  
2 to serve a period of obligated service in the Department  
3 as provided in the agreement in return for payment of  
4 educational assistance as provided in the agreement.

5 “(2) In distributing application forms and agreement  
6 forms to individuals desiring to participate in the scholar-  
7 ship program, the Secretary shall include with such forms  
8 the following:

9 “(A) A fair summary of the rights and liabil-  
10 ities of an individual whose application is approved  
11 (and whose agreement is accepted) by the Secretary.

12 “(B) A full description of the terms and condi-  
13 tions that apply to participation in the scholarship  
14 program and service in the Department.

15 “(b) APPROVAL.—(1) Upon the Secretary’s approval  
16 of an individual’s participation in the scholarship program,  
17 the Secretary shall, in writing, promptly notify the indi-  
18 vidual of that acceptance.

19 “(2) An individual becomes a participant in the schol-  
20 arship program upon such approval by the Secretary.

21 **“§ 8003. Amount of assistance; duration**

22 “(a) AMOUNT OF ASSISTANCE.—The amount of the  
23 financial assistance provided for an individual under this  
24 chapter shall be the amount determined by the Secretary  
25 as being necessary to pay the tuition and fees of the indi-

1 vidual. In the case of an individual enrolled in a program  
2 of study leading to a dual degree or certification in both  
3 the areas of study described in section 8001(a)(1) of this  
4 chapter, the tuition and fees shall not exceed the amounts  
5 necessary for the minimum number of credit hours to  
6 achieve such dual certification or degree.

7       “(b) RELATIONSHIP TO OTHER ASSISTANCE.—Fi-  
8 nancial assistance may be provided to an individual under  
9 this chapter to supplement other educational assistance to  
10 the extent that the total amount of educational assistance  
11 received by the individual during an academic year does  
12 not exceed the total tuition and fees for such academic  
13 year.

14       “(c) MAXIMUM AMOUNT OF ASSISTANCE.—(1) In no  
15 case may the total amount of assistance provided under  
16 this chapter for an academic year to an individual who  
17 is a full-time student exceed \$15,000.

18       “(2) In the case of an individual who is a part-time  
19 student, the total amount of assistance provided under  
20 this chapter shall bear the same ratio to the amount that  
21 would be paid under paragraph (1) if the participant were  
22 a full-time student in the program of study being pursued  
23 by the individual as the coursework carried by the indi-  
24 vidual to full-time coursework in that program of study.

1       “(3) In no case may the total amount of assistance  
2 provided to an individual under this chapter exceed  
3 \$45,000.

4       “(d) MAXIMUM DURATION OF ASSISTANCE.—The  
5 Secretary may provide financial assistance to an individual  
6 under this chapter for not more than six years.

7       **“§ 8004. Agreement**

8       “An agreement between the Secretary and a partici-  
9 pant in the scholarship program under this chapter shall  
10 be in writing, shall be signed by the participant, and shall  
11 include—

12               “(1) the Secretary’s agreement to provide the  
13 participant with financial assistance as authorized  
14 under this chapter;

15               “(2) the participant’s agreement—

16                       “(A) to accept such financial assistance;

17                       “(B) to maintain enrollment and attend-  
18 ance in the program of study described in sec-  
19 tion 8001(a)(1) of this chapter;

20                       “(C) while enrolled in such program, to  
21 maintain an acceptable level of academic stand-  
22 ing (as determined by the educational institu-  
23 tion offering such program under regulations  
24 prescribed by the Secretary); and

1           “(D) after completion of the program, to  
2           serve as a full-time employee in the Department  
3           for a period of three years, to be served within  
4           the first six years after the participant has com-  
5           pleted such program and received a degree or  
6           certificate described in section 8001(a)(1) of  
7           this chapter; and

8           “(3) any other terms and conditions that the  
9           Secretary determines appropriate for carrying out  
10          this chapter.

11 **“§ 8005. Repayment for failure to satisfy require-**  
12 **ments of agreement**

13          “(a) IN GENERAL.—An individual who receives edu-  
14          cational assistance under this chapter shall repay to the  
15          Secretary an amount equal to the unearned portion of  
16          such assistance if the individual fails to satisfy the require-  
17          ments of the agreement entered into under section 8004  
18          of this chapter, except in circumstances authorized by the  
19          Secretary.

20          “(b) AMOUNT OF REPAYMENT.—The Secretary shall  
21          establish, by regulations, procedures for determining the  
22          amount of the repayment required under this subsection  
23          and the circumstances under which an exception to the  
24          required repayment may be granted.

1           “(c) WAIVER OR SUSPENSION OF COMPLIANCE.—  
 2 The Secretary shall prescribe regulations providing for the  
 3 waiver or suspension of any obligation of an individual for  
 4 service or payment under this chapter (or an agreement  
 5 under this chapter) whenever noncompliance by the indi-  
 6 vidual is due to circumstances beyond the control of the  
 7 individual or whenever the Secretary determines that the  
 8 waiver or suspension of compliance is in the best interest  
 9 of the United States.

10           “(d) OBLIGATION AS DEBT TO UNITED STATES.—  
 11 An obligation to repay the Secretary under this section  
 12 is, for all purposes, a debt owed the United States. A dis-  
 13 charge in bankruptcy under title 11 does not discharge  
 14 a person from such debt if the discharge order is entered  
 15 less than five years after the date of the termination of  
 16 the agreement or contract on which the debt is based.”.

17           (b) CLERICAL AMENDMENTS.—The tables of chap-  
 18 ters at the beginning of title 38, and of part V of title  
 19 38, are each amended by inserting after the item relating  
 20 to chapter 79 the following new item:

          “80. Visual Impairment and Orientation and Mobility Professionals  
               Education Assistance Program ..... 8001.”.

21           (c) EFFECTIVE DATE.—The Secretary of Veterans  
 22 Affairs shall implement chapter 80 of title 38, United  
 23 States Code, as added by subsection (a), not later than  
 24 six months after the date of the enactment of this Act.

1 **SEC. 303. INTERMENT IN NATIONAL CEMETERIES OF PAR-**  
2 **ENTS OF CERTAIN DECEASED VETERANS.**

3 (a) **SHORT TITLE.**—This section may be cited as the  
4 “Corey Shea Act”.

5 (b) **INTERMENT OF PARENTS OF CERTAIN DE-**  
6 **CEASED VETERANS.**—Section 2402 is amended—

7 (1) In the matter preceding paragraph (1), by  
8 striking “Under such regulations” and inserting  
9 “(a) Under such regulations”;

10 (2) by moving the margins of paragraphs (1)  
11 through (8) two ems to the right;

12 (3) by inserting after paragraph (8) the fol-  
13 lowing new paragraph:

14 “(9)(A) The parent of a person described in  
15 subparagraph (B), if the Secretary determines that  
16 there is available space at the gravesite where the  
17 person described in subparagraph (B) is interred.

18 “(B) A person described in this subparagraph  
19 is a person described in paragraph (1) who—

20 “(i) is a hostile casualty or died from a  
21 training-related injury;

22 “(ii) is interred in a national cemetery; and

23 “(iii) at the time of the person’s parent’s  
24 death, did not have a spouse, surviving spouse,  
25 or child who is buried or who, upon death, may

1 be eligible for burial in a national cemetery pur-  
2 suant to paragraph (5).”; and

3 (4) by adding at the end the following new sub-  
4 section:

5 “(b) For purposes of subsection (a)(9) of this section:

6 “(1) The term ‘parent’ means a biological fa-  
7 ther or a biological mother or, in the case of adop-  
8 tion, a father through adoption or a mother through  
9 adoption.

10 “(2) The term ‘hostile casualty’ means a person  
11 who, as a member of the Armed Forces, dies as the  
12 direct result of hostile action with the enemy, while  
13 in combat, while going to or returning from a com-  
14 bat mission if the cause of death was directly related  
15 to hostile action, or while hospitalized or undergoing  
16 treatment at the expense of the United States for in-  
17 jury incurred during combat, and includes a person  
18 killed mistakenly or accidentally by friendly fire di-  
19 rected at a hostile force or what is thought to be a  
20 hostile force, but does not include a person who dies  
21 due to the elements, a self-inflicted wound, combat  
22 fatigue, or a friendly force while the person was in  
23 an absent-without-leave, deserter, or dropped-from-  
24 rolls status or was voluntarily absent from a place  
25 of duty.

1           “(3) The term ‘training-related injury’ means  
2           an injury incurred by a member of the Armed  
3           Forces while performing authorized training activi-  
4           ties in preparation for a combat mission.”.

5           (c) GUIDANCE REQUIRED.—The Secretary of Vet-  
6           erans Affairs, in consultation with the Secretary of De-  
7           fense, shall develop guidance under which the parent of  
8           a person described in paragraph (9)(B) of subsection (a)  
9           of section 2402 of title 38, United States Code, may be  
10          designated for interment in a national cemetery under that  
11          section.

12          (d) CONFORMING AMENDMENTS.—

13               (1) CROSS-REFERENCE CORRECTION.—Section  
14               107 is amended by striking “section 2402(8)” both  
15               places it appears and inserting “section 2402(a)(8)”.

16               (2) CROSS-REFERENCE CORRECTION.—Section  
17               2301(e) is amended by striking “section 2402(6)”  
18               and inserting “section 2402(a)(6)”.

19               (3) CROSS-REFERENCE CORRECTION.—Section  
20               2306(a) is amended—

21                     (A) in paragraph (2), by striking “section  
22                     2402(4)” and inserting “section 2402(a)(4)”;  
23                     and

24                     (B) in paragraph (4), by striking “section  
25                     2402(5)” and inserting “section 2402(a)(5)”.

1           (e) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to the death, on or  
3 after the date of the enactment of this Act, of the parent  
4 of a person described in section 2402(a)(9)(B) of title 38,  
5 United States Code, as added by subsection (a), who dies  
6 on or after October 7, 2001.



Union Calendar No. 186

11<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 3949**

[Report No. 111-324]

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## **A BILL**

To amend title 38, United States Code, and the Servicemember Civil Relief Act, to make certain improvements in the laws relating to benefits administered by the Secretary of Veterans Affairs, and for other purposes.

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NOVEMBER 2, 2009

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed