

have seen disabled veterans, whether from the current war or previous wars. We all know that a major factor in their recovery, especially mentally, is a sense of self-worth, a sense that they have a future, a sense that although they have problems physically, they can overcome that and be productive members of our society.

For many of those veterans who were athletes or who were participating in athletics, the opportunity to participate again competitively is one of the most meaningful things they can have in their recovery. And what this program will do, the Paralympic Program, is give both disabled active duty and veterans, the opportunity to compete, to train, and to have that comradeship with fellow athletes, and to show that they are indeed human beings who can participate in this society. That is a major, major part of the healing process.

I urge my colleagues to support this.

Mr. BOOZMAN. Will the gentleman yield?

Mr. FILNER. I yield to the gentleman from Arkansas.

Mr. BOOZMAN. Mr. Speaker, I just want to associate myself with Mr. FILNER's remarks. I think he said it very, very well. For many individuals, for many soldiers this is such an important thing and truly is part of the healing process. And, again, I just associate myself with his remarks. I also want to again reiterate how much I appreciate Mr. FILNER working with Mr. BUYER to give us such a good bill.

Mr. FILNER. I thank the gentleman.

Ms. HERSETH SANDLIN. Mr. Speaker, as the Chairwoman of the Veterans' Affairs Economic Opportunity Subcommittee, I rise today in strong support of H.R. 4255, as amended, which the Economic Opportunity Subcommittee passed on June 26 and the full Committee approved on July 15.

I would like to congratulate Chairman FILNER for introducing this bill to authorize the VA to make a grant to the United States Olympic Committee to provide and develop activities for servicemembers and veterans with physical disabilities. I also would like to thank full Committee Ranking Member BUYER for his leadership and willingness to work with the majority to combine provisions of his bill, H.R. 1370, with the Chairman's bill.

The United States Olympic Committee Paralympics Program Act will help increase the participation of disabled veterans in physical activities and sports to promote healthy-living, help elite-level athletes compete in sporting programs, and help our wounded servicemembers transition to the next stage in their lives.

Again, I thank the Chairman and Ranking Member BUYER for their leadership on this important issue. I encourage my colleagues to support H.R. 4255.

Mr. BUYER. Mr. Speaker, I rise in strong support of H.R. 4255, as amended, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide assistance to the Paralympic Program of

the United States Olympic Committee, and for other purposes.

Mr. Speaker, I want to applaud the bipartisan manner in which this bill moved forward through the Committee. I want to especially acknowledge Chairman FILNER for introducing H.R. 4255, the United States Olympic Committee Paralympic Act of 2008 and working with Subcommittee Chairwoman STEPHANIE HERSETH SANDLIN and Ranking Member JOHN BOOZMAN to incorporate into the amended version of the bill several provisions from my bill, H.R. 1370, The Disabled Veterans Sports and Special Events Promotion Act of 2007.

In 2005, the VA and the USOC concluded an agreement to increase efforts to increase participation by disabled veterans in sports at all levels, as part of their rehabilitation from their injuries. I was privileged to participate in encouraging the USOC and VA to reach that agreement and by combining our two bills, we will give VA and the USOC Paralympics some of the resources they will need to meet that goal. I look forward to seeing the VA, USOC Paralympics and their partners ramp up their efforts and am excited that we will have at least 11 disabled veterans participating as members of the U.S. Paralympic Team in Beijing as a beginning of larger disabled veteran participation in the future games.

I am also pleased to see a renewed commitment to providing training opportunities for veterans that will be offered. Mr. Speaker, as I said earlier, I believe you and I have created a bill that will encourage more disabled veterans to participate in sports from the local level up through elite competition such as the Paralympic games beginning with games in Beijing. Through the grant program, this bill uses the USOC and its partners to equip, train and support disabled veterans' sports and I urge my colleagues to support this bill as amended.

Mr. Speaker, I urge all my colleagues to support H.R. 4255, as amended.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 4255, the "United States Olympic Committee Paralympic Program Act of 2008." First, I would like to thank my distinguished colleague, BOB FILNER of California, for introducing this important legislation. This bill will give a grant to the USOC for the planning, developing, management and implementation of a Paralympic program for physically disabled veterans and members of the United States Armed Forces. I strongly encourage my colleagues to support this act.

There are currently over 2.9 million disabled veterans. The wars in Iraq and Afghanistan have contributed to a 25 percent raise in this number since 2001. Many are struggling to rehabilitate, to cope, and to regain their purpose. We must staunchly support our soldiers and veterans by giving them the opportunity to again represent our country with pride.

It may be impossible to ever fully repay the services that the many brave men and women of the United States Armed Forces have given for our country, but it is critical that we do what we can to support those that were injured and disabled in our defense. H.R. 4255 will help to provide the many physically disabled veterans and servicemembers with an outreach program of encouragement and support that will allow them to represent their

country as athletes and ambassadors of goodwill.

Upon enactment of the act, the Secretary of Veteran Affairs will be authorized to make a grant to the U.S. Olympic Committee, USOC, to plan, develop, manage, and implement the Paralympic Program for veterans and members of the Armed Forces. The bill directs the USOC to use the grant to plan, develop, manage, and implement the Paralympic Program for veterans and members of the Armed Forces.

The Paralympic Program that this bill establishes will benefit the millions of disabled veterans and members of the Armed Forces. This bill will allow many servicemembers to experience the pride of representing their Nation, and will provide many more with the outreach and support network necessary to rehabilitate and regain their strength.

At the time of the 2000 census there were 1.75 million veterans living in Texas. Many from Houston and Texas' 18th have served. It is in memory of their service that I ask my colleagues to support this bill, giving our disabled veterans and servicemembers a chance to represent our Nation through their competitive spirits.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and pass the bill, H.R. 4255, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BOOZMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 4137) "An Act to amend and extend the Higher Education Act of 1965, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. ENZI, Mr. GREGG, Mr. ALEXANDER, Mr. BURR, Mr. ISAKSON, Ms. MURKOWSKI, Mr. HATCH, Mr. ROBERTS, Mr. ALLARD, and Mr. COBURN, to be the conferees on the part of the Senate.

IMPROVING SCRA AND USERRA
PROTECTIONS ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6225) to amend title 38, United States Code, relating to equitable relief with respect to a State or private employer, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6225

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving SCRA and USERRA Protections Act of 2008".

SEC. 2. EQUITY POWERS.

Section 4323(e) of title 38, United States Code, is amended by striking "may use" and inserting "shall use, in any case in which the court determines it is appropriate."

SEC. 3. RELIEF FOR STUDENTS WHO ARE MEMBERS OF ARMED FORCES DURING PERIOD OF MILITARY SERVICE.

(a) IN GENERAL.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. App. 591 et seq.) is amended by adding at the end the following new section:

"SEC. 707. TUITION, REENROLLMENT, AND STUDENT LOAN RELIEF FOR POSTSECONDARY STUDENTS CALLED TO MILITARY SERVICE.

"(a) TUITION AND REENROLLMENT.—Whenever a servicemember is called, activated, or ordered to military service and withdraws or takes a leave of absence from an institution of higher education in which the servicemember is enrolled, the institution shall—

"(1) provide a credit or refund to the servicemember the tuition and fees paid by the servicemember (other than from the proceeds of a grant or scholarship) for the portion of the program of education for which the servicemember did not receive academic credit after such withdrawal or leave; and

"(2) provide the servicemember an opportunity to reenroll with the same educational and academic status in such program of education that the servicemember had when activated for military service.

"(b) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term 'institution of higher education' means a 2-year or 4-year institution of higher education as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)."

(b) EXEMPTION OF STUDENT DEBTS FROM CREDITOR PROTECTION BASED ON INCOME LEVEL.—Section 207(c) of such Act (50 U.S.C. App. 527(c)) is amended by adding at the end the following new sentence: "This subsection shall not apply with respect to an obligation or liability that is incurred by a servicemember who, at the time the servicemember is called to military service, is a student enrolled within six months of activation at an institution of higher education on a full-time basis, as determined by that institution."

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following new item:

"Sec. 707. Tuition, reenrollment, and student loan relief for postsecondary students called to military service."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect for periods of military service beginning after the date of the enactment of this section.

SEC. 4. TERMINATION OR SUSPENSION BY SERVICEMEMBERS OF CERTAIN SERVICE CONTRACTS ENTERED INTO BEFORE PERMANENT CHANGE OF STATION OR DEPLOYMENT ORDERS.

(a) TERMINATION.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended—

(1) by redesignating section 308 as section 309; and

(2) by inserting after section 307 the following:

"SEC. 308. TERMINATION OR SUSPENSION OF SERVICE CONTRACTS.

"(a) TERMINATION OR SUSPENSION BY SERVICEMEMBER.—A person in military service who is party to or enters into a contract described in subsection (c) may terminate or suspend, at the person's option, the contract at any time after the date of the person's military orders, as described in subsection (c).

"(b) SPECIAL RULES.—(1) A suspension under subsection (a) of a contract by a person in military service shall continue for the length of the person's deployment pursuant to the person's military orders.

"(2) A service provider under a contract suspended or terminated under subsection (a) by a person in military service may not impose a suspension fee or early termination fee in connection with the suspension or termination of the contract, other than a nominal fee for the suspension; except that the service provider may impose a reasonable fee for any equipment remaining on the premises of the person in military service during the period of the suspension. The person in military service may defer, without penalty, payment of such a nominal fee or reasonable fee for the length of the person's deployment pursuant to the person's military orders.

"(3) In any case in which the contract being suspended under subsection (a) is for cellular telephone service or telephone exchange service, the person in military service, after the date on which the suspension of the contract ends, may keep, to the extent practicable and in accordance with all applicable laws and regulations, the same telephone number the person had before the person suspended the contract.

"(c) COVERED CONTRACTS.—This section applies to a contract for cellular telephone service, telephone exchange service, multichannel video programming service, Internet access service, water, electricity, oil, gas, or other utility if the person enters into the contract and thereafter receives military orders—

"(1) to deploy with a military unit, or as an individual, in support of a contingency operation for a period of not less than 90 days; or

"(2) for a change of permanent station to a location that does not support the contract.

"(d) MANNER OF TERMINATION OR SUSPENSION.—

"(1) IN GENERAL.—Termination or suspension of a contract under subsection (a) is made by delivery by the person in military service of written notice of such termination or suspension and a copy of the servicemember's military orders to the other party to the contract (or to that party's grantee or agent).

"(2) NATURE OF NOTICE.—Delivery of notice under paragraph (1) may be accomplished—

"(A) by hand delivery;

"(B) by private business carrier;

"(C) by facsimile; or

"(D) by placing the written notice and a copy of the servicemember's military orders in an envelope with sufficient postage and

with return receipt requested, and addressed as designated by the party to be notified (or that party's grantee or agent), and depositing the envelope in the United States mails.

"(e) DATE OF CONTRACT TERMINATION OR SUSPENSION.—Termination or suspension of a service contract under subsection (a) is effective as of the date on which the notice under subsection (d) is delivered.

"(f) OTHER OBLIGATIONS AND LIABILITIES.—The service provider under the contract may not impose an early termination or suspension charge, but any tax or any other obligation or liability of the person in military service that, in accordance with the terms of the contract, is due and unpaid or unperformed at the time of termination or suspension of the contract shall be paid or performed by the person in military service.

"(g) FEES PAID IN ADVANCE.—A fee or amount paid in advance for a period after the effective date of the termination of the contract shall be refunded to the person in military service by the other party (or that party's grantee or agent) within 60 days of the effective date of the termination of the contract.

"(h) RELIEF TO OTHER PARTY.—Upon application by the other party to the contract to a court before the termination date provided in the written notice, relief granted by this section to a person in military service may be modified as justice and equity require.

"(i) PENALTIES.—

"(1) MISDEMEANOR.—Whoever knowingly violates or attempts to violate this section shall be fined not more than \$5,000 in the case of an individual or \$10,000 in the case of an organization.

"(2) PRESERVATION.—The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any award for consequential or punitive damages.

"(j) EQUITABLE RELIEF.—

"(1) IN GENERAL.—In addition to any other remedy available under law, if a person in military service has reason to believe that another party to a contract has violated or is violating this section, the person in military service may—

"(A) bring an action to enjoin the violation in any appropriate United States district court or in any other court of competent jurisdiction; or

"(B) bring an action in any appropriate United States district court or in any other court of competent jurisdiction to recover damages equal to three times the amount for which the other party is liable to the person in military service under this section.

"(2) ATTORNEY FEES.—If a person in military service is awarded damages under an action described under paragraph (1), the person shall be awarded, in addition, the costs of the action and reasonable attorney fees, as determined by the court.

"(k) DEFINITIONS.—For the purposes of this section, the following definitions apply:

"(1) MULTICHANNEL VIDEO PROGRAMMING SERVICE.—The term 'multichannel video programming service' means video programming service provided by a multichannel video programming distributor, as such term is defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13)).

"(2) INTERNET ACCESS SERVICE.—The term 'Internet access service' has the meaning given that term under section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).