

111TH CONGRESS
1ST SESSION

H. R. 3949

AN ACT

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,*

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

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

5 (b) TABLE OF CONTENTS.—The table of contents for
 6 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. 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.

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

8 Except as otherwise expressly provided, whenever in
 9 this Act an amendment or repeal is expressed in terms
 10 of an amendment to, or repeal of, a section or other provi-
 11 sion, the reference shall be considered to be made to a
 12 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 in-
5 clusion in the database from an individual whose status
6 as a veteran cannot be verified because the Secretary does
7 not maintain information with respect to the veteran sta-
8 tus of the individual, the Secretary may not include the
9 small business concern owned or controlled by the indi-
10 vidual in the database maintained by the Secretary until
11 the Secretary receives such information as may be nec-
12 essary to verify that the individual is a veteran.”; and

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

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

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

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

24 (2) APPLICABILITY.—In the case of a small
25 business concern included in the database as of the

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

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

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

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

24 (D) the person who owns or controls the
25 concern must submit to the Secretary an af-

1 firmative acknowledgment of the requirement
2 under paragraph (3) within 90 days of receiving
3 the Secretary's notice of such requirement or
4 the concern shall be removed from the data-
5 base.

6 **SEC. 102. REAUTHORIZATION OF VETERANS' ADVISORY**
7 **COMMITTEE ON EDUCATION.**

8 Section 3692(c) is amended by striking "December
9 31, 2009" and inserting "December 31, 2015".

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

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

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

16 **"SEC. 305A. TERMINATION OF SERVICE CONTRACTS.**

17 "(a) TERMINATION BY SERVICEMEMBER.—A service-
18 member may terminate a contract described in subsection
19 (c) at any time after the date the servicemember receives
20 military orders—

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

24 "(2) for a change of permanent station to a lo-
25 cation that does not support the contract.

1 “(b) SPECIAL RULE FOR CELLULAR OR TELEPHONE
2 EXCHANGE SERVICE.—In any case in which a contract
3 being terminated under subsection (a) or (d) is for cellular
4 telephone service or telephone exchange service, the serv-
5 icemember may keep, to the extent practicable and in ac-
6 cordance with applicable law, the telephone number the
7 servicemember has under the contract for a period not to
8 exceed 90 days after the period of deployment or change
9 of permanent station has concluded.

10 “(c) COVERED CONTRACTS.—This section applies to
11 a contract for cellular telephone service, telephone ex-
12 change service, multichannel video programming service,
13 Internet access service, or residential utility service involv-
14 ing the provision of water, electricity, home heating oil,
15 or natural gas.

16 “(d) FAMILY PLANS.—In the case of a contract for
17 cellular telephone service entered into by any individual
18 in which a servicemember is a designated beneficiary of
19 such contract, the individual may terminate such con-
20 tract—

21 “(1) with respect to the servicemember if the
22 servicemember is eligible to terminate contracts pur-
23 suant to subsection (a); and

24 “(2) with respect to all of the designated bene-
25 ficiaries of such contract if all such beneficiaries ac-

1 company the servicemember in a change of perma-
2 nent station to a location that does not support the
3 contract.

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

9 “(1) by hand delivery;

10 “(2) by private business carrier;

11 “(3) by facsimile; or

12 “(4) by United States mail, addressed as des-
13 igned by the service provider, return receipt re-
14 quested, with sufficient postage.

15 “(f) DATE OF CONTRACT TERMINATION.—Termi-
16 nation of a contract under subsection (a) or (d) is effective
17 as of the date on which the notice under subsection (e)
18 is delivered.

19 “(g) OTHER OBLIGATIONS AND LIABILITIES.—The
20 service provider under the contract may not impose an
21 early termination charge, but any tax or any other obliga-
22 tion or liability of the servicemember that, in accordance
23 with the terms of the contract, is due and unpaid or
24 unperformed at the time of termination of the contract
25 shall be paid or performed by the servicemember. If the

1 servicemember re-subscribes to the service provided under
2 a covered contract in the 90-day period after the period
3 of deployment or change of permanent station has con-
4 cluded, the service provider may not impose a charge for
5 reinstating service, other than a charge to cover any cost
6 of installing or acquiring new equipment that existing cus-
7 tomers received, and for which such customers paid a simi-
8 lar charge, during such period.

9 “(h) RETURN OF ADVANCE PAYMENTS.—Not later
10 than 60 days after the effective date of the termination
11 of the contract, the service provider shall refund to the
12 servicemember any fee or other amount to the extent paid
13 for a period extending after such date, except for the re-
14 mainder of the monthly or similar billing period in which
15 the termination occurs if it is not reasonably possible to
16 determine a pro-rata amount for such remainder.

17 “(i) DEFINITIONS.—In this section:

18 “(1) The term ‘cellular telephone service’ means
19 commercial mobile service, as that term is defined in
20 section 332(d) of the Communications Act of 1934
21 (47 U.S.C. 332(d)).

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

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

5 “(4) The term ‘multichannel video program-
6 ming service’ means video programming service pro-
7 vided by a multichannel video programming dis-
8 tributor, as such term is defined in section 602(13)
9 of the Communications Act of 1934 (47 U.S.C.
10 522(13)).

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

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

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

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

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

22 (2) by striking the item relating to section
23 305A and inserting the following new item:

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

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

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

5 “(e) **ARREARAGES AND OTHER OBLIGATIONS AND**
6 **LIABILITIES.**—

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

18 “(2) **LEASES OF MOTOR VEHICLES.**—Lease
19 amounts for a lease described in subsection (b)(2)
20 that are unpaid for the period preceding the effective
21 date of the lease termination shall be paid on a pro-
22 rated basis. The lessor may not impose an early ter-
23 mination charge, but any taxes, summonses, title
24 and registration fees, or other obligations and liabil-
25 ities of the lessee in accordance with the terms of
26 the lease, including reasonable charges to the lessee

1 for excess wear or use and mileage, that are due and
2 unpaid at the time of termination of the lease shall
3 be paid by the lessee.”.

4 **SEC. 203. ENFORCEMENT BY THE ATTORNEY GENERAL AND**
5 **BY PRIVATE RIGHT OF ACTION.**

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

9 **“TITLE VIII—CIVIL LIABILITY**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 “Nothing in section 801 or 802 shall be construed
3 to preclude or limit any remedy otherwise available under
4 other law, including consequential and punitive dam-
5 ages.”.

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

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

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

12 “(c) MISDEMEANOR.—Except as provided in sub-
13 section (a), a person who knowingly takes part in an evic-
14 tion or distress described in subsection (a), or who know-
15 ingly 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 (3) Section 302(b) (50 U.S.C. App. 532(b)) is
19 amended to read as follows:

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

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

3 “(d) MISDEMEANOR.—A person who knowingly
4 makes or causes to be made a sale, foreclosure, or seizure
5 of property that is prohibited by subsection (c), or who
6 knowingly attempts to do so, shall be fined as provided
7 in title 18, United States Code, or imprisoned for not more
8 than one year, or both.”.

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

11 “(h) MISDEMEANOR.—Any person who knowingly
12 seizes, holds, or detains the personal effects, security de-
13 posit, or other property of a servicemember or a
14 servicemember’s dependent who lawfully terminates a
15 lease covered by this section, or who knowingly interferes
16 with the removal of such property from premises covered
17 by such lease, for the purpose of subjecting or attempting
18 to subject any of such property to a claim for rent accru-
19 ing subsequent to the date of termination of such lease,
20 or attempts to do so, shall be fined as provided in title
21 18, United States Code, or imprisoned for not more than
22 one year, or both.”.

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

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

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

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

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

“TITLE VIII—CIVIL LIABILITY

“Sec. 801. Enforcement by the Attorney General.

“Sec. 802. Private right of action.

“Sec. 803. Preservation of remedies.”.

14 **TITLE III—OTHER BENEFITS**
 15 **MATTERS**

16 **SEC. 301. IMPROVEMENT OF OUTREACH ACTIVITIES WITH-**
 17 **IN DEPARTMENT OF VETERANS AFFAIRS.**

18 (a) IN GENERAL.—Chapter 5 is amended by adding
 19 at the end the following new subchapter:

1 “SUBCHAPTER IV—OUTREACH ACTIVITIES

2 “§ 561. Outreach activities: coordination of activities

3 **within the Department**

4 “(a) COORDINATION PROCEDURES.—The Secretary
5 shall establish and maintain procedures for ensuring the
6 effective coordination of the outreach activities of the De-
7 partment between and among the following:

8 “(1) The Office of the Secretary.

9 “(2) The Office of Public Affairs.

10 “(3) The Veterans Health Administration.

11 “(4) The Veterans Benefits Administration.

12 “(5) The National Cemetery Administration.

13 “(b) ANNUAL REVIEW OF PROCEDURES.—The Sec-
14 retary shall—

15 “(1) annually review the procedures in effect
16 under subsection (a) for the purpose of ensuring
17 that those procedures meet the requirements of that
18 subsection; and

19 “(2) make such modifications to those proce-
20 dures as the Secretary considers appropriate in light
21 of such review in order to better achieve that pur-
22 pose.

1 **“§ 562. Outreach activities: cooperative activities**
2 **with States; grants to States for improve-**
3 **ment of outreach**

4 “(a) PURPOSE.—It is the purpose of this section to
5 provide for assistance by the Secretary to State and coun-
6 ty veterans agencies to carry out programs in locations
7 within the respective jurisdictions of such agencies that
8 offer a high probability of improving outreach and assist-
9 ance to veterans, and to the spouses, children, and parents
10 of veterans, to ensure that such individuals are fully in-
11 formed about, and assisted in applying for, any veterans’
12 and veterans-related benefits and programs (including
13 State veterans’ programs) for which they may be eligible.

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

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

21 “(2) that are experiencing growth in the popu-
22 lation of veterans and other individuals referred to
23 in subsection (a).

24 “(c) CONTRACTS FOR OUTREACH SERVICES.—The
25 Secretary may enter into a contract with a State or county
26 veterans agency in order to carry out, coordinate, improve,

1 or otherwise enhance outreach by the Department and the
2 State or county (including outreach with respect to a State
3 or county veterans program). As a condition of entering
4 into any such contract, the Secretary shall require the
5 agency to submit annually to the Secretary a three-year
6 plan for the use of any funds provided to the agency pur-
7 suant to the contract and to meet the annual outcome
8 measures developed by the Secretary under subsection
9 (d)(4).

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

13 “(A) outreach activities, including activities car-
14 ried out pursuant to a contract entered into under
15 subsection (c); and

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

20 “(2) A State veterans agency that receives a grant
21 under this subsection may award all or a portion of the
22 grant to county veterans agencies within the State to pro-
23 vide outreach services for veterans, on the basis of the
24 number of veterans residing in the jurisdiction of each
25 county.

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

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

9 “(B) a description of the programs through
10 which the agency will meet the annual outcome
11 measures developed by the Secretary under para-
12 graph (4).

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

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

20 “(C) In the case of a State or county veterans agency
21 that is a recipient of a grant under this subsection that
22 does not meet the annual outcome measures developed by
23 the Secretary, the Secretary shall require the agency to
24 submit a remediation plan under which the agency shall
25 describe how and when it plans to meet such outcome

1 measures. The Secretary must approve such plan before
2 the Secretary may make a subsequent grant to that agen-
3 cy under this subsection.

4 “(5) No portion of any grant awarded under this sub-
5 section may be used for the purposes of administering the
6 grant funds or to subsidize the salaries of State or county
7 veterans service officers or other employees of a State or
8 county veterans agency that receives a grant under this
9 subsection.

10 “(6) Federal funds provided to a State or county vet-
11 erans agency under this subsection may not be used to
12 provide more than 50 percent of the total cost of the State
13 or county government activities described in paragraph (1)
14 and shall be used to expand existing outreach programs
15 and services and not to supplant State and local funding
16 that is otherwise available.

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

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

24 “(B) In a case in which a county government does
25 not have a county veterans agency and does not seek to

1 establish such an agency through the use of a grant under
2 this subsection, the State veterans agency for the State
3 in which the county is located may use a grant under this
4 section to provide outreach services for that county.

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

11 “(9) A grant under this subsection may be used to
12 provide education and training, including on-the-job train-
13 ing, for State, county, and local government employees
14 who provide (or when trained will provide) veterans out-
15 reach services in order for those employees to obtain ac-
16 creditation in accordance with procedures approved by the
17 Secretary and, for employees so accredited, for purposes
18 of continuing education.

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

20 “(1) The term ‘State veterans agency’ means the ele-
21 ment of the government of a State that has responsibility
22 for programs and activities of that State government relat-
23 ing to veterans benefits.

24 “(2) The term ‘county veterans agency’ means the
25 element of the government of a county or municipality

1 that has responsibility for programs and activities of that
2 county or municipal government relating to veterans bene-
3 fits.

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

5 “(a) SEPARATE ACCOUNT.—Amounts for the out-
6 reach activities of the Department under this subchapter
7 shall be budgeted and appropriated through a separate ap-
8 propriation account.

9 “(b) SEPARATE STATEMENT OF AMOUNT.—In the
10 budget justification materials submitted to Congress in
11 support of the Department budget for any fiscal year (as
12 submitted with the budget of the President under section
13 1105(a) of title 31), the Secretary shall include a separate
14 statement of the amount requested to be appropriated for
15 that fiscal year for the account specified in subsection (a).

16 **“§ 564. Definition of outreach**

17 “For purposes of this subchapter, the term ‘outreach’
18 means the act or process of taking steps in a systematic
19 manner to provide information, services, and benefits
20 counseling to veterans, and the survivors of veterans, who
21 may be eligible to receive benefits under the laws adminis-
22 tered by the Secretary to ensure that those individuals are
23 fully informed about, and assisted in applying for, any
24 benefits and programs under such laws for which they may
25 be eligible.

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

2 “There is authorized to be appropriated to the Sec-
3 retary for each of fiscal years 2011, 2012, and 2013,
4 \$25,000,000 to carry out this subchapter, including mak-
5 ing grants under section 562(d) of this title.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of such chapter is amended by adding
8 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.”.

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

15 **SEC. 302. VISUAL IMPAIRMENT AND ORIENTATION AND MO-**
16 **BILITY PROFESSIONALS EDUCATION ASSIST-**
17 **ANCE PROGRAM.**

18 (a) ESTABLISHMENT OF PROGRAM.—Part V is
19 amended by adding at the end the following new chapter:

1 **“CHAPTER 80—VISUAL IMPAIRMENT AND**
 2 **ORIENTATION AND MOBILITY PROFES-**
 3 **SIONALS EDUCATION ASSISTANCE**
 4 **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.

5 **“§ 8001. Establishment of scholarship program; pur-**
 6 **pose**

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

11 “(1) who is accepted for enrollment or currently
 12 enrolled in a program of study leading to a degree
 13 or certificate in visual impairment or orientation and
 14 mobility, or a dual degree or certification in both
 15 such areas, at an accredited (as determined by the
 16 Secretary) educational institution that is in a State;
 17 and

18 “(2) who enters into an agreement with the
 19 Secretary as described in section 8004 of this chap-
 20 ter.

21 “(b) PURPOSE.—The purpose of the scholarship pro-
 22 gram established under this chapter is to increase the sup-

1 ply of qualified blind rehabilitation specialists for the De-
2 partment and the Nation.

3 “(c) OUTREACH.—The Secretary shall publicize the
4 scholarship program established under this chapter to edu-
5 cational institutions throughout the United States, with
6 an emphasis on disseminating information to such institu-
7 tions with high numbers of Hispanic students and to His-
8 torically Black Colleges and Universities.

9 **“§ 8002. Application and acceptance**

10 “(a) APPLICATION.—(1) To apply and participate in
11 the scholarship program under this chapter, an individual
12 shall submit to the Secretary an application for such par-
13 ticipation together with an agreement described in section
14 8004 of this chapter under which the participant agrees
15 to serve a period of obligated service in the Department
16 as provided in the agreement in return for payment of
17 educational assistance as provided in the agreement.

18 “(2) In distributing application forms and agreement
19 forms to individuals desiring to participate in the scholar-
20 ship program, the Secretary shall include with such forms
21 the following:

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

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

4 “(b) APPROVAL.—(1) Upon the Secretary’s approval
5 of an individual’s participation in the scholarship program,
6 the Secretary shall, in writing, promptly notify the indi-
7 vidual of that acceptance.

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

10 **“§ 8003. Amount of assistance; duration**

11 “(a) AMOUNT OF ASSISTANCE.—The amount of the
12 financial assistance provided for an individual under this
13 chapter shall be the amount determined by the Secretary
14 as being necessary to pay the tuition and fees of the indi-
15 vidual. In the case of an individual enrolled in a program
16 of study leading to a dual degree or certification in both
17 the areas of study described in section 8001(a)(1) of this
18 chapter, the tuition and fees shall not exceed the amounts
19 necessary for the minimum number of credit hours to
20 achieve such dual certification or degree.

21 “(b) RELATIONSHIP TO OTHER ASSISTANCE.—Fi-
22 nancial assistance may be provided to an individual under
23 this chapter to supplement other educational assistance to
24 the extent that the total amount of educational assistance
25 received by the individual during an academic year does

1 not exceed the total tuition and fees for such academic
2 year.

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

7 “(2) In the case of an individual who is a part-time
8 student, the total amount of assistance provided under
9 this chapter shall bear the same ratio to the amount that
10 would be paid under paragraph (1) if the participant were
11 a full-time student in the program of study being pursued
12 by the individual as the coursework carried by the indi-
13 vidual to full-time coursework in that program of study.

14 “(3) In no case may the total amount of assistance
15 provided to an individual under this chapter exceed
16 \$45,000.

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

20 **“§ 8004. Agreement**

21 “An agreement between the Secretary and a partici-
22 pant in the scholarship program under this chapter shall
23 be in writing, shall be signed by the participant, and shall
24 include—

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

4 “(2) the participant’s agreement—

5 “(A) to accept such financial assistance;

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

9 “(C) while enrolled in such program, to
10 maintain an acceptable level of academic stand-
11 ing (as determined by the educational institu-
12 tion offering such program under regulations
13 prescribed by the Secretary); and

14 “(D) after completion of the program, to
15 serve as a full-time employee in the Department
16 for a period of three years, to be served within
17 the first six years after the participant has com-
18 pleted such program and received a degree or
19 certificate described in section 8001(a)(1) of
20 this chapter; and

21 “(3) any other terms and conditions that the
22 Secretary determines appropriate for carrying out
23 this chapter.

1 **“§ 8005. Repayment for failure to satisfy require-**
2 **ments of agreement**

3 “(a) IN GENERAL.—An individual who receives edu-
4 cational assistance under this chapter shall repay to the
5 Secretary an amount equal to the unearned portion of
6 such assistance if the individual fails to satisfy the require-
7 ments of the agreement entered into under section 8004
8 of this chapter, except in circumstances authorized by the
9 Secretary.

10 “(b) AMOUNT OF REPAYMENT.—The Secretary shall
11 establish, by regulations, procedures for determining the
12 amount of the repayment required under this subsection
13 and the circumstances under which an exception to the
14 required repayment may be granted.

15 “(c) WAIVER OR SUSPENSION OF COMPLIANCE.—
16 The Secretary shall prescribe regulations providing for the
17 waiver or suspension of any obligation of an individual for
18 service or payment under this chapter (or an agreement
19 under this chapter) whenever noncompliance by the indi-
20 vidual is due to circumstances beyond the control of the
21 individual or whenever the Secretary determines that the
22 waiver or suspension of compliance is in the best interest
23 of the United States.

24 “(d) OBLIGATION AS DEBT TO UNITED STATES.—
25 An obligation to repay the Secretary under this section
26 is, for all purposes, a debt owed the United States. A dis-

1 charge in bankruptcy under title 11 does not discharge
 2 a person from such debt if the discharge order is entered
 3 less than five years after the date of the termination of
 4 the agreement or contract on which the debt is based.”.

5 (b) CLERICAL AMENDMENTS.—The tables of chap-
 6 ters at the beginning of title 38, United States Code, and
 7 of part V of such title, are each amended by inserting after
 8 the item relating to chapter 79 the following new item:

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

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

13 **SEC. 303. INTERMENT IN NATIONAL CEMETERIES OF PAR-**
 14 **ENTS OF CERTAIN DECEASED VETERANS.**

15 (a) SHORT TITLE.—This section may be cited as the
 16 “Corey Shea Act”.

17 (b) INTERMENT OF PARENTS OF CERTAIN DE-
 18 CEASED VETERANS.—Section 2402 is amended—

19 (1) In the matter preceding paragraph (1), by
 20 striking “Under such regulations” and inserting
 21 “(a) Under such regulations”;

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

1 (3) by inserting after paragraph (8) the fol-
2 lowing new paragraph:

3 “(9)(A) The parent of a person described in
4 subparagraph (B), if the Secretary determines that
5 there is available space at the gravesite where the
6 person described in subparagraph (B) is interred.

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

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

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

12 “(iii) at the time of the person’s parent’s
13 death, did not have a spouse, surviving spouse,
14 or child who is buried or who, upon death, may
15 be eligible for burial in a national cemetery pur-
16 suant to paragraph (5).”; and

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

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

20 “(1) The term ‘parent’ means a biological fa-
21 ther or a biological mother or, in the case of adop-
22 tion, a father through adoption or a mother through
23 adoption.

24 “(2) The term ‘hostile casualty’ means a person
25 who, as a member of the Armed Forces, dies as the

1 direct result of hostile action with the enemy, while
2 in combat, while going to or returning from a com-
3 bat mission if the cause of death was directly related
4 to hostile action, or while hospitalized or undergoing
5 treatment at the expense of the United States for in-
6 jury incurred during combat, and includes a person
7 killed mistakenly or accidentally by friendly fire di-
8 rected at a hostile force or what is thought to be a
9 hostile force, but does not include a person who dies
10 due to the elements, a self-inflicted wound, combat
11 fatigue, or a friendly force while the person was in
12 an absent-without-leave, deserter, or dropped-from-
13 rolls status or was voluntarily absent from a place
14 of duty.

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

19 (c) GUIDANCE REQUIRED.—The Secretary of Vet-
20 erans Affairs, in consultation with the Secretary of De-
21 fense, shall develop guidance under which the parent of
22 a person described in paragraph (9)(B) of subsection (a)
23 of section 2402 of title 38, United States Code, may be
24 designated for interment in a national cemetery under that
25 section.

1 (d) CONFORMING AMENDMENTS.—

2 (1) CROSS-REFERENCE CORRECTION.—Section
3 107 is amended by striking “section 2402(8)” both
4 places it appears and inserting “section 2402(a)(8)”.

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

8 (3) CROSS-REFERENCE CORRECTION.—Section
9 2306(a) is amended—

10 (A) in paragraph (2), by striking “section
11 2402(4)” and inserting “section 2402(a)(4)”;
12 and

13 (B) in paragraph (4), by striking “section
14 2402(5)” and inserting “section 2402(a)(5)”.

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

Passed the House of Representatives November 3,
2009.

Attest:

Clerk.

111TH CONGRESS
1ST SESSION

H. R. 3949

AN ACT

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.