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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the
“Veterans’ Small Business Assistance and
Servicemembers Protection Act of 2009”.

(b) Table of Contents.—The table of contents for
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 con-
trolled 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. 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 edu-
cation assistance program.
Sec. 303. Interment in national cemeteries of parents of certain deceased vet-
erans.

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

Except as otherwise expressly provided, whenever in
this Act an amendment or repeal is expressed in terms
of an amendment to, or repeal of, a section or other provi-
sion, the reference shall be considered to be made to a
section or other provision of 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.

(a) SHORT TITLE.—This section may be cited as the "Veterans Small Business Verification Act".

(b) CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP.—

(1) CLARIFICATION.—Section 8127(f) is amended—

(A) in paragraph (2)—

(i) by inserting "(A)" before "To be eligible";

(ii) by inserting after "or the veteran." the following new sentence: "Application for inclusion in the database shall constitute permission under section 552a of title 5 (commonly referred to as the Privacy Act) for the Secretary to access such personal information maintained by the Secretary as may be necessary to verify the information contained in the application.";

and
(iii) by inserting after the sentence added by subparagraph (B) the following new subparagraph:

“(B) If the Secretary receives an application for inclusion in the database from an individual whose status as a veteran cannot be verified because the Secretary does not maintain information with respect to the veteran status of the individual, the Secretary may not include the small business concern owned or controlled by the individual in the database maintained by the Secretary until the Secretary receives such information as may be necessary to verify that the individual is a veteran.”; and

(B) by striking paragraph (4) and inserting the following new paragraph (4):

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

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

“(B) in the case of a small business concern for which the person who owns or controls the concern indicates that the person is a veteran with a service-connected disability, that the person is a veteran with a service-connected disability.”.
(2) APPLICABILITY.—In the case of a small business concern included in the database as of the date of the enactment of this Act for which, as of such date, the Secretary of Veterans Affairs has not verified the status of such concern in accordance with paragraph (4) of subsection (f) of section 8127 of title 38, United States Code, as amended by subsection (a), not later than 60 days after the date of the enactment of this Act, the Secretary shall notify the person who owns or controls the concern that—

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

(B) verification of such status shall require that the person who owns or controls the concern apply for inclusion in the database in accordance with such subsection, as so amended;

(C) application for inclusion in the database shall constitute permission under section 552a of title 5, United States Code (commonly referred to as the Privacy Act), for the Secretary to access such personal information maintained by the Secretary as may be necessary to verify the information contained in the application; and
(D) the person who owns or controls the concern must submit to the Secretary an affirmative acknowledgment of the requirement under paragraph (3) within 90 days of receiving the Secretary’s notice of such requirement or the concern shall be removed from the database.

SEC. 102. IMPROVEMENT OF DEPARTMENT OF VETERANS AFFAIRS CONTRACTING GOALS AND PREFERENCES FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS.

(a) IN GENERAL.—Section 8127, as amended by section 101, is further amended in subsection (c), by striking “may” and inserting “shall”.

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

SEC. 103. REAUTHORIZATION OF VETERANS’ ADVISORY COMMITTEE ON EDUCATION.

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

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TITLE II—SERVICEMEMBERS
CIVIL RELIEF ACT MATTERS

SEC. 201. TERMINATION OF SERVICE CONTRACTS.

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

"SEC. 305A. TERMINATION OF SERVICE CONTRACTS.

"(a) TERMINATION BY SERVICEMEMBER.—A servicemember may terminate a contract described in subsection (c) at any time after the date the servicemember 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.

"(b) SPECIAL RULE FOR CELLULAR OR TELEPHONE EXCHANGE SERVICE.—In any case in which a contract being terminated under subsection (a) or (d) is for cellular telephone service or telephone exchange service, the servicemember may keep, to the extent practicable and in accordace with applicable law, the telephone number the servicemember has under the contract for a period not to exceed 90 days after the period of deployment or change of permanent station has concluded."
“(c) COVERED CONTRACTS.—This section applies to a contract for cellular telephone service, telephone exchange service, multichannel video programming service, Internet access service, or residential utility service involving the provision of water, electricity, home heating oil, or natural gas.

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

“(1) with respect to the servicemember if the servicemember is eligible to terminate contracts pursuant to subsection (a); and

“(2) with respect to all of the designated beneficiaries of such contract if all such beneficiaries accompany the servicemember in a change of permanent station to a location that does not support the contract.

“(e) MANNER OF TERMINATION.—Termination of a contract under subsection (a) or (d) shall be made by delivery of a written notice of such termination and a copy of the servicemember’s military orders to the service provider, delivered—

“(1) by hand delivery;
“(2) by private business carrier;
“(3) by facsimile; or
“(4) by United States mail, addressed as designated by the service provider, return receipt requested, with sufficient postage.

“(f) DATE OF CONTRACT TERMINATION.—Termination of a contract under subsection (a) or (d) is effective as of the date on which the notice under subsection (e) is delivered.

“(g) OTHER OBLIGATIONS AND LIABILITIES.—The service provider under the contract may not impose an early termination charge, but any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid or unperformed at the time of termination of the contract shall be paid or performed by the servicemember. If the servicemember re-subscribes to the service provided under a covered contract in the 90-day period after the period of deployment or change of permanent station has concluded, the service provider may not impose a charge for reinstating service, other than a charge to cover any cost of installing or acquiring new equipment that existing customers received, and for which such customers paid a similar charge, during such period.
“(h) **RETURN OF ADVANCE PAYMENTS.**—Not later than 60 days after the effective date of the termination of the contract, the service provider shall refund to the servicemember any fee or other amount to the extent paid for a period extending after such date, except for the remainder of the monthly or similar billing period in which the termination occurs if it is not reasonably possible to determine a pro-rata amount for such remainder.

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

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

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

“(3) 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)).

“(4) 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)).

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

(b) Technical Amendment To Conform Heading of Title III to the Contents of the Title.—The heading for title III of such Act is amended by inserting “, SERVICE CONTRACTS” after “LEASES”.

(c) Clerical Amendments.—The table of contents in section 1(b) of such Act is amended—

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

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

and

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

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

SEC. 202. RESIDENTIAL AND MOTOR VEHICLE LEASES.

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

“(e) ARREARAGES AND OTHER OBLIGATIONS AND LIABILITIES.—
“(1) LEASES OF PREMISES.—Rent amounts for a lease described in subsection (b)(1) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

“(2) LEASES OF MOTOR VEHICLES.—Lease amounts for a lease described in subsection (b)(2) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, title and registration fees, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear or use and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.”.
SEC. 203. ENFORCEMENT BY THE ATTORNEY GENERAL AND
BY PRIVATE RIGHT OF ACTION.

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

“TITLE VIII—CIVIL LIABILITY

“SEC. 801. ENFORCEMENT BY THE ATTORNEY GENERAL.

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

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

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

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

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

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

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

“(A) in an amount not exceeding $55,000
for a first violation; and
“(B) in an amount not exceeding $110,000 for any subsequent violation.

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

“SEC. 802. PRIVATE RIGHT OF ACTION.

“(a) IN GENERAL.—Any person aggrieved by a violation of this Act may in a civil action—

“(1) obtain any appropriate equitable or declaratory relief with respect to the violation; and

“(2) recover all other appropriate relief, including monetary damages.

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

“SEC. 803. PRESERVATION OF REMEDIES.

“Nothing in section 801 or 802 shall be construed to preclude or limit any remedy otherwise available under other law, including consequential and punitive damages.”
(b) CONFORMING AMENDMENTS.—Such Act is further amended as follows:

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

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

“(c) MISDEMEANOR.—Except as provided in subsection (a), a person who knowingly takes part in an eviction or distress described in subsection (a), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”.

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

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

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

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

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

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

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

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

(7) Section 307(c) (50 U.S.C. App. 537(c)) is amended to read as follows:
“(c) MISDEMEANOR.—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”.

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

"TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE

"Sec. 801. Enforcement by the Attorney General.
"Sec. 802. Private right of action.
"Sec. 803. Preservation of other remedies.”.

TITLE III—OTHER BENEFITS MATTERS

SEC. 301. IMPROVEMENT OF OUTREACH ACTIVITIES WITHIN DEPARTMENT OF VETERANS AFFAIRS.

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

“SUBCHAPTER IV—OUTREACH ACTIVITIES

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

“(a) COORDINATION PROCEDURES.—The Secretary shall establish and maintain procedures for ensuring the effective coordination of the outreach activities of the Department between and among the following:

“(1) The Office of the Secretary.
“(2) The Office of Public Affairs.
“(3) The Veterans Health Administration.
“(4) The Veterans Benefits Administration.

“(5) The National Cemetery Administration.

“(b) ANNUAL REVIEW OF PROCEDURES.—The Secretary shall—

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

“(2) make such modifications to those procedures as the Secretary considers appropriate in light of such review in order to better achieve that purpose.

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

“(a) PURPOSE.—It is the purpose of this section to provide for assistance by the Secretary to State and county veterans agencies to carry out programs in locations within the respective jurisdictions of such agencies that offer a high probability of improving outreach and assistance to veterans, and to the spouses, children, and parents of veterans, to ensure that such individuals are fully informed about, and assisted in applying for, any veterans’ and veterans-related benefits and programs (including State veterans’ programs) for which they may be eligible.
“(b) Priority for Areas With High Concentration of Eligible Individuals.—In providing assistance under this section, the Secretary shall give priority to State and county veteran agencies in locations—

“(1) that have relatively large concentrations of populations of veterans and other individuals referred to in subsection (a); or

“(2) that are experiencing growth in the population of veterans and other individuals referred to in subsection (a).

“(c) Contracts for Outreach Services.—The Secretary may enter into a contract with a State or county veterans agency in order to carry out, coordinate, improve, or otherwise enhance outreach by the Department and the State or county (including outreach with respect to a State or county veterans program). As a condition of entering into any such contract, the Secretary shall require the agency to submit annually to the Secretary a three-year plan for the use of any funds provided to the agency pursuant to the contract and to meet the annual outcome measures developed by the Secretary under subsection (d)(4).

“(d) Grants.—(1) The Secretary may make a grant to a State or county veterans agency to be used to carry out, coordinate, improve, or otherwise enhance—
“(A) outreach activities, including activities carried out pursuant to a contract entered into under subsection (c); and

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

“(2) A State veterans agency that receives a grant under this subsection may award all or a portion of the grant to county veterans agencies within the State to provide outreach services for veterans, on the basis of the number of veterans residing in the jurisdiction of each county.

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

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

“(B) a description of the programs through which the agency will meet the annual outcome measures developed by the Secretary under paragraph (4).
“(4)(A) The Secretary shall develop and provide to the recipient of a grant under this subsection written guidance on annual outcome measures, Department policies, and procedures for applying for grants under this section.

“(B) The Secretary shall annually review the performance of each State or county veterans agency that receives a grant under this section.

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

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

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

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

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

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

“(C) In the case of a State in which no State or county veterans agency seeks to receive a grant under this subsection, the funds that would otherwise be allocated for that State shall be reallocated to those States in which county veterans agencies exist and have sought grants under this subsection.

“(9) A grant under this subsection may be used to provide education and training, including on-the-job train-
ing, for State, county, and local government employees who provide (or when trained will provide) veterans outreach services in order for those employees to obtain accreditation in accordance with procedures approved by the Secretary and, for employees so accredited, for purposes of continuing education.

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

“(1) The term ‘State veterans agency’ means the element of the government of a State that has responsibility for programs and activities of that State government relating to veterans benefits.

“(2) The term ‘county veterans agency’ means the element of the government of a county or municipality that has responsibility for programs and activities of that county or municipal government relating to veterans benefits.

§ 563. Outreach activities: funding

“(a) SEPARATE ACCOUNT.—Amounts for the outreach activities of the Department under this subchapter shall be budgeted and appropriated through a separate appropriation account.

“(b) SEPARATE STATEMENT OF AMOUNT.—In the budget justification materials submitted to Congress in support of the Department budget for any fiscal year (as 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.”.
(c) DEADLINE FOR IMPLEMENTATION.—The Secretary of Veterans Affairs shall implement the outreach activities required under subchapter IV of chapter 5 of title 38, United States Code, as added by subsection (a), by not later than 120 days after the date of the enactment of this Act.

SEC. 302. VISUAL IMPAIRMENT AND ORIENTATION AND MOBILITY PROFESSIONALS EDUCATION ASSISTANCE PROGRAM.

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

“CHAPTER 80—VISUAL IMPAIRMENT AND ORIENTATION AND MOBILITY PROFESSIONALS EDUCATION ASSISTANCE PROGRAM

“§ 8001. Establishment of scholarship program; purpose

“(a) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary shall establish and carry out a scholarship program to provide financial assistance in accordance with this chapter to an individual—
“(1) who is accepted for enrollment or currently enrolled in a program of study leading to a degree or certificate in visual impairment or orientation and mobility, or a dual degree or certification in both such areas, at an accredited (as determined by the Secretary) educational institution that is in a State; and

“(2) who enters into an agreement with the Secretary as described in section 8004 of this chapter.

“(b) PURPOSE.—The purpose of the scholarship program established under this chapter is to increase the supply of qualified blind rehabilitation specialists for the Department and the Nation.

“(c) OUTREACH.—The Secretary shall publicize the scholarship program established under this chapter to educational institutions throughout the United States, with an emphasis on disseminating information to such institutions with high numbers of Hispanic students and to Historically Black Colleges and Universities.

“§ 8002. Application and acceptance

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

“(2) In distributing application forms and agreement forms to individuals desiring to participate in the scholarship program, the Secretary shall include with such forms the following:

“(A) A fair summary of the rights and liabilities of an individual whose application is approved (and whose agreement is accepted) by the Secretary.

“(B) A full description of the terms and conditions that apply to participation in the scholarship program and service in the Department.

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

“(2) An individual becomes a participant in the scholarship program upon such approval by the Secretary.

§ 8003. Amount of assistance; duration

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

“(b) Relationship to Other Assistance.—Financial assistance may be provided to an individual under this chapter to supplement other educational assistance to the extent that the total amount of educational assistance received by the individual during an academic year does not exceed the total tuition and fees for such academic year.

“(c) Maximum Amount of Assistance.—(1) In no case may the total amount of assistance provided under this chapter for an academic year to an individual who is a full-time student exceed $15,000.

“(2) In the case of an individual who is a part-time student, the total amount of assistance provided under this chapter shall bear the same ratio to the amount that would be paid under paragraph (1) if the participant were a full-time student in the program of study being pursued by the individual as the coursework carried by the individual to full-time coursework in that program of study.
“(3) In no case may the total amount of assistance provided to an individual under this chapter exceed $45,000.

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

“§ 8004. Agreement

“An agreement between the Secretary and a participant in the scholarship program under this chapter shall be in writing, shall be signed by the participant, and shall include—

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

“(2) the participant’s agreement—

“(A) to accept such financial assistance;

“(B) to maintain enrollment and attendance in the program of study described in section 8001(a)(1) of this chapter;

“(C) while enrolled in such program, to maintain an acceptable level of academic standing (as determined by the educational institution offering such program under regulations prescribed by the Secretary); and
“(D) after completion of the program, to serve as a full-time employee in the Department for a period of three years, to be served within the first six years after the participant has completed such program and received a degree or certificate described in section 8001(a)(1) of this chapter; and

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

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

“(a) IN GENERAL.—An individual who receives educational assistance under this chapter shall repay to the Secretary an amount equal to the unearned portion of such assistance if the individual fails to satisfy the requirements of the agreement entered into under section 8004 of this chapter, except in circumstances authorized by the Secretary.

“(b) AMOUNT OF REPAYMENT.—The Secretary shall establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted.
“(c) Waiver or Suspension of Compliance.—
The Secretary shall prescribe regulations providing for the waiver or suspension of any obligation of an individual for service or payment under this chapter (or an agreement under this chapter) whenever noncompliance by the individual is due to circumstances beyond the control of the individual or whenever the Secretary determines that the waiver or suspension of compliance is in the best interest of the United States.

“(d) Obligation as Debt to United States.—
An obligation to repay the Secretary under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date of the termination of the agreement or contract on which the debt is based.”.

(b) Clerical Amendments.—The tables of chapters at the beginning of title 38, and of part V of title 38, are each amended by inserting after the item relating to chapter 79 the following new item:

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

(c) Effective Date.—The Secretary of Veterans Affairs shall implement chapter 80 of title 38, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act.
SEC. 303. INTERMENT IN NATIONAL CEMETERIES OF PARENTS OF CERTAIN DECEASED VETERANS.

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

(b) INTERMENT OF PARENTS OF CERTAIN DECEASED VETERANS.—Section 2402 is amended—

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

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

(3) by inserting after paragraph (8) the following new paragraph:

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

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

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

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

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

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

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

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

“(2) The term ‘hostile casualty’ means a person
who, as a member of the Armed Forces, dies as the
direct result of hostile action with the enemy, while
in combat, while going to or returning from a com-
bat mission if the cause of death was directly related
to hostile action, or while hospitalized or undergoing
treatment at the expense of the United States for in-
jury incurred during combat, and includes a person
killed mistakenly or accidentally by friendly fire di-
rected at a hostile force or what is thought to be a
hostile force, but does not include a person who dies
due to the elements, a self-inflicted wound, combat
fatigue, or a friendly force while the person was in
an absent-without-leave, deserter, or dropped-from-
rolls status or was voluntarily absent from a place
of duty.
“(3) The term ‘training-related injury’ means an injury incurred by a member of the Armed Forces while performing authorized training activities in preparation for a combat mission.”.

(c) GUIDANCE REQUIRED.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall develop guidance under which the parent of a person described in paragraph (9)(B) of subsection (a) of section 2402 of title 38, United States Code, may be designated for interment in a national cemetery under that section.

(d) CONFORMING AMENDMENTS.—

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

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

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

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

and

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

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

[Report No. 111-324]

H. R. 3949

Union Calendar No. 186

To amend title 38, United States Code, 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.

November 2, 2009

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