

105TH CONGRESS
1ST SESSION

H. R. 1008

To amend title 38, United States Code, to authorize the provision of funds in order to provide financial assistance by grant or contract to legal assistance entities for representation of financially needy veterans in connection with proceedings before the United States Court of Veterans Appeals.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1997

Mr. FOX of Pennsylvania (for himself, Mr. STUMP, Mr. EVANS, Mr. QUINN, and Mr. FILNER) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to authorize the provision of funds in order to provide financial assistance by grant or contract to legal assistance entities for representation of financially needy veterans in connection with proceedings before the United States Court of Veterans Appeals.

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. LEGAL ASSISTANCE FOR FINANCIALLY NEEDY**
2 **VETERANS IN CONNECTION WITH COURT OF**
3 **VETERANS APPEALS PROCEEDINGS.**

4 (a) IN GENERAL.—Subchapter III of chapter 72 of
5 title 38, United States Code, is amended by adding at the
6 end the following new section:

7 **“§ 7287. Legal assistance for financially needy veter-**
8 **ans in proceedings before Court**

9 “(a)(1) The Court of Veterans Appeals may provide
10 funds in order to provide financial assistance by grant or
11 contract to legal assistance entities for purposes of pro-
12 grams described in subsection (b).

13 “(2) The Court shall seek to provide funds for such
14 purpose through a nonprofit organization selected by it.
15 If the Court determines that there exists no nonprofit or-
16 ganization that would be an appropriate recipient of funds
17 under this section for the purposes referred to in para-
18 graph (1) and that it is consistent with the mission of the
19 Court, the Court shall provide financial assistance, by
20 grant or contract, directly to legal assistance entities for
21 purposes of permitting such entities to carry out programs
22 described in subsection (b).

23 “(b)(1) A program referred to in subsection (a) is any
24 program under which a legal assistance entity uses finan-
25 cial assistance under this section to provide assistance or
26 carry out activities (including assistance, services, or ac-

1 tivities referred to in paragraph (3)) in order to ensure
2 that individuals described in paragraph (2) receive, with-
3 out charge, legal assistance in connection with decisions
4 to which section 7252(a) of this title may apply or with
5 other proceedings before the Court.

6 “(2) An individual referred to in paragraph (1) is any
7 veteran or other person who—

8 “(A) is or seeks to be a party to an action be-
9 fore the Court; and

10 “(B) cannot, as determined by the Court or the
11 entity concerned, afford the costs of legal advice and
12 representation in connection with that action.

13 “(3) Assistance, services, and activities under a pro-
14 gram described in this subsection may include the follow-
15 ing for individuals described in paragraph (2) in connec-
16 tion with proceedings before the Court:

17 “(A) Financial assistance to defray the ex-
18 penses of legal advice or representation (other than
19 payment of attorney fees) by attorneys, clinical law
20 programs of law schools, and veterans service orga-
21 nizations.

22 “(B) Case screening and referral services for
23 purposes of referring cases to pro bono attorneys
24 and such programs and organizations.

1 “(C) Education and training of attorneys and
2 other legal personnel who may appear before the
3 Court by attorneys and such programs and organiza-
4 tions.

5 “(D) Encouragement and facilitation of the pro
6 bono representation by attorneys and such programs
7 and organizations.

8 “(4) A legal assistance entity that receives financial
9 assistance described in subsection (a) to carry out a pro-
10 gram under this subsection shall make such contributions
11 (including in-kind contributions) to the program as the
12 nonprofit organization or the Court, as the case may be,
13 shall specify when providing the assistance.

14 “(5) A legal assistance entity that receives financial
15 assistance under subsection (a) to carry out a program
16 described in this subsection may not require or request
17 the payment of a charge or fee in connection with the pro-
18 gram by or on behalf of any individual described in para-
19 graph (2).

20 “(c)(1) There is authorized to be appropriated to the
21 Court \$750,000 for fiscal year 1998 and the same amount
22 for each succeeding fiscal year through fiscal year 2001,
23 increased by 3 percent per year, to carry out this section.

24 “(2) Funds appropriated under this subsection may
25 be used only for the purposes of subsection (a). Such

1 funds may be provided in advance or by way of reimburse-
2 ment, to cover some or all of the administrative costs of
3 the organization or entity receiving the funds in providing
4 financial assistance to carry out programs described in
5 subsection (b).

6 “(3) Funds shall be provided under this subsection
7 pursuant to a written agreement entered into by the Court
8 and the organization or entity receiving the funds from
9 the Court.

10 “(d) A nonprofit organization may—

11 “(1) accept funds, in advance or by way of re-
12 imbursement, from the Court under subsection (a)
13 in order to provide the financial assistance referred
14 to in that subsection;

15 “(2) provide financial assistance by grant or
16 contract to legal assistance entities under this sec-
17 tion for purposes of permitting such entities to carry
18 out programs described in subsection (b);

19 “(3) administer any such grant or contract; and

20 “(4) accept funds, in advance or by way of re-
21 imbursement, from the Court under subsection (c) in
22 order to cover the administrative costs referred to in
23 that subsection.

24 “(e)(1) Not later than February 1 of each year, the
25 Court shall submit to the Congress a report on the funds

1 and financial assistance provided under this section during
2 the preceding fiscal year. Based on the information pro-
3 vided the Court by entities receiving such funds and assist-
4 ance, each report shall—

5 “(A) set forth the amount, if any, of funds pro-
6 vided to nonprofit organizations under paragraph
7 (2) of subsection (a) during the fiscal year covered
8 by the report;

9 “(B) set forth the amount, if any, of financial
10 assistance provided to legal assistance entities pur-
11 suant to paragraph (1) of subsection (a) or under
12 paragraph (2) of that subsection during that fiscal
13 year;

14 “(C) set forth the amount, if any, of funds pro-
15 vided to nonprofit organizations under subsection (c)
16 during that fiscal year; and

17 “(D) describe the programs carried out under
18 this section during that fiscal year.

19 “(2) The Court may require that any nonprofit orga-
20 nization and any legal assistance entity to which funds or
21 financial assistance are provided under this section provide
22 the Court with such information on the programs carried
23 out under this section as the Court determines necessary
24 to prepare a report under this subsection.

25 “(f) For the purposes of this section:

1 “(1) The term ‘nonprofit organization’ means
2 any not-for-profit organization that is involved with
3 the provision of legal assistance to persons unable to
4 afford such assistance.

5 “(2) The term ‘legal assistance entity’ means a
6 not-for-profit organization or veterans service orga-
7 nization capable of providing legal assistance to per-
8 sons with respect to matters before the Court.

9 “(3) The term ‘veterans service organization’
10 means an organization referred to in section
11 5902(a)(1) of this title, including an organization
12 approved by the Secretary under that section.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of such chapter is amended by inserting
15 after the item relating to section 7286 the following new
16 item:

 “7287. Legal assistance for financially needy veterans in proceedings before
 Court.”.

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