

Mr. Speaker, as I said earlier, I believe Chairman FILNER and Ranking Member BUYER 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. I urge my colleagues to support H.R. 4255, as amended.

I yield back the balance of my time.

Mr. FILNER. I thank Mr. BOOZMAN for participating in this debate and for his leadership on the committee.

GENERAL LEAVE

Mr. FILNER. I would ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4255, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. In conclusion, Mr. Speaker, all of us have been to hospitals, we have been to homes where we 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.

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 ex-

change 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)).

“(3) CELLULAR TELEPHONE SERVICE.—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)).

“(4) TELEPHONE EXCHANGE SERVICE.—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) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 308 and inserting the following new items:

“Sec. 308. Termination or suspension of service contracts.

“Sec. 309. Extension of protections to dependents.”

**SEC. 5. PENALTIES FOR VIOLATION OF INTEREST RATE LIMITATION UNDER SERVICEMEMBERS CIVIL RELIEF ACT.**

Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended by adding at the end the following new subsections:

“(e) PENALTY.—Whoever knowingly violates subsection (a) shall be fined not more than \$5,000 in the case of an individual or \$10,000 in the case of an organization.

“(f) RIGHTS OF SERVICEMEMBERS.—

“(1) EQUITABLE RELIEF.—

“(A) IN GENERAL.—In addition to any other remedies as are provided under Federal or State law, if a servicemember has reason to believe that a creditor has violated or is violating this section, the servicemember may—

“(i) bring an action to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction; and

“(ii) bring an action to recover damages equal to three times the amount of the interest charged in violation of this section (plus interest) for which the creditor is liable to the servicemember under this section as a result of the violation.

“(B) DETERMINATION OF NUMBER OF VIOLATIONS.—In determining the number of violations by a creditor for which a penalty is imposed under subsection (e) or subparagraph

(A), the court shall count as a single violation each obligation or liability of a servicemember with respect to which—

“(i) the servicemember properly provided to the creditor written notice and a copy of the military orders calling the servicemember to military service and any orders further extending military service under subsection (b); and

“(ii) the creditor failed to treat in accordance with subsection (a).

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

“(g) PRESERVATION OF OTHER REMEDIES.—The rights and remedies provided under subsections (e) and (f) are in addition to and do not preclude any other remedy available under law to a person claiming relief under this section, including any award for consequential or punitive damages.”.

#### SEC. 6. GUARANTEE OF RESIDENCY FOR SPOUSES OF MILITARY PERSONNEL

(a) GUARANTEE OF RESIDENCY.—Section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking “For” and inserting “(a) For”; and

(2) by adding at the end the following new subsection:

“(b) For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State because the person is accompanying the person’s spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

“(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

“(2) be deemed to have acquired a residence or domicile in any other State; or

“(3) be deemed to have become a resident in or a resident of any other State.”.

(b) CLERICAL AMENDMENTS.—

(1) The heading for such section is amended to read as follows:

“**SEC. 705. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL AND SPOUSES OF MILITARY PERSONNEL.**”.

(2) The item relating to such section in the table of contents in section 1(b) of such Act is amended to read as follows:

“Sec. 705. Guarantee of residency for military personnel and spouses of military personnel.”.

#### SEC. 7. RESIDENCE FOR TAX PURPOSES.

Section 511(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 571(a)) is amended—

(1) by striking “A servicemember” and inserting the following:

“(1) SERVICEMEMBER.—A servicemember”; and

(2) by adding at the end the following:

“(2) SPOUSE OF SERVICEMEMBER.—A spouse of a servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the spouse by reason of being absent or present in any tax jurisdiction of the United States solely to be with the servicemember in compliance with the servicemember’s military orders if the residence or domicile, as the case may be, is the same for the servicemember and the spouse.”.

#### SEC. 8. SPOUSE'S COMPENSATION DURING MILITARY SERVICE.

Section 511 of the Servicemembers Civil Relief Act (50 U.S.C. App. 571(b)) is amended—

(1) by striking the subsection designation and heading and all that follows through “Compensation” and inserting the following:

“(b) MILITARY SERVICE AND SPOUSE'S COMPENSATION.—

“(1) MILITARY SERVICE COMPENSATION.—Compensation”; and

(2) by adding at the end the following:

“(2) SPOUSE'S COMPENSATION.—Compensation of a spouse of a servicemember shall not be deemed to be income for services performed or from sources within a tax jurisdiction of the United States if, when the compensation is earned, the spouse of the servicemember is not a resident or domiciliary of the jurisdiction and the jurisdiction is the jurisdiction in which the servicemember is serving in compliance with military orders.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. I thank the Speaker, and I want to thank my distinguished colleague, the chairwoman of our Subcommittee on Economic Opportunity, Ms. HERSETH SANDLIN of South Dakota, for her bipartisan leadership in crafting this bill, Improving Servicemembers' Civil Relief Act and USERRA Protections Act of 2008, to help protect our Nation's veterans. Congresswoman SUSAN DAVIS from my hometown of San Diego, Congressman PATRICK MURPHY who will be heard from soon from Pennsylvania, and Congressman JOHN CARTER from Texas also introduced language that is part of this legislation.

When they are called to duty, our servicemembers across the Nation leave their loved ones, they leave school, they leave work behind. Unfortunately, as we have many examples today, some of these servicemembers find difficulty in spite of presumed law to get back their old job, to get back into their housing or their enrollment at an institute of higher education. We have to make sure that all these men and women who are called up for service who do their duty don't have to face these difficulties which many thought were protected in law. We must honor their sacrifice by providing them with adequate protections so that they may have peace of mind that their interests and their families' interests are protected while serving our Nation.

This bill will protect these men and women by encouraging courts to use their full equity powers, including temporary or permanent injunctions, temporary restraining orders, and contempt orders, to protect the rights and benefits of these veterans. This section would amend title 38 by changing the “may” word to “shall.”

Language that was authored by Congresswoman SUSAN DAVIS of California requires institutions of higher education to refund tuition for servicemembers who have not received academic credit, or allow servicemembers the opportunity to reenroll in the same academic status prior to their military

service. The language also places a cap on the interest of student loans at 6 percent while the student is fulfilling military service.

As we will hear, language was included by our new member, PATRICK MURPHY of Pennsylvania, to allow servicemembers to terminate or suspend service contracts such as cell phone, housing, or utility contracts, due to a permanent station of change of station or deployment orders. And Congressman CARTER of Texas included the allowance of the spouse of an active duty member to maintain the same State of residency as the servicemember for State taxation, and to allow the spouse to claim the same State as the servicemember in regards to State and property taxes, and voter registration.

Mr. Speaker, we must honor our men and women who dutifully serve our Nation. When they leave home, they should not have to worry about receiving a negative academic status, paying for a service which they cannot use, or paying taxes in a State for this which they don't claim. They should be afforded the rights and benefits that they honorably are fighting for. I urge my colleagues to support the bill to protect these servicemembers and veterans.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I rise in support of H.R. 6225, as amended, the Injunctive Relief for Veterans Act of 2008. This bill as amended would amend title 38, United States Code, relating to equitable relief with respect to a State of private employer.

Mr. Speaker, once again, working in a bipartisan manner Chairwoman HERSETH SANDLIN of the Subcommittee on Economic Opportunity worked with me to pull together several fine bills into one cohesive package to provide new USERRA and SCRA protections to our military servicemembers and their spouses.

H.R. 6225 as amended incorporates provisions of H.R. 2910 introduced by Representative SUSAN DAVIS of California, H.R. 3298 introduced by Representative PATRICK MURPHY of Pennsylvania, and H.R. 6070 introduced by Representative JOHN CARTER of Texas. And I appreciate their hard work in bringing to the committee such excellent bills.

This legislation would encourage the courts to utilize their equity powers when deemed appropriate in USERRA cases. During the full committee markup of this section of the legislation, Subcommittee Chairwoman HERSETH SANDLIN and Ranking Member BUYER had a very good colloquy on the intent of this section of the bill, to clarify that injunctive relief is available under the discretion of the judge hearing the facts, and that this section is not intended to create a new avenue of appeal in USERRA cases.

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The bill, as amended, would also require colleges and universities to refund a student's tuition and fees for

unearned credit for the semester or quarter when they are called up for active duty, and allow these same students to re-enter the institution with identical and academic status that they had when they were activated to duty.

Finally, this bill would also extend Servicemembers Civil Relief Act protections to enable servicemembers with deployment orders to more easily terminate or suspend service contracts without fee or penalty for such services to include cellular phones, utilities, cable television or Internet access. It would also add penalties to those creditors under the SCRA who refuse to reduce interest rates, as currently required.

Additionally, H.R. 6225, as amended, would extend the same residency protections to military spouses as those granted to the military members for purposes of voting and paying taxes.

Mr. Speaker, I am re-emphasizing the Court's injunctive relief in USERRA cases requiring schools to refund tuition to those ordered to active duty, giving servicemembers the option of terminating certain service contracts, and making sure that military spouses are treated equitably for residency.

H.R. 6225, as amended, provides our men and women in our Armed Forces the protections they need to transition back to civilian life when their tour of duty is completed.

I congratulate Chairwoman HERSETH SANDLIN for once again doing yeoman work in crafting some very good bipartisan legislation. I support H.R. 6225, as amended, and I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I have said several times today that our new Members have been very aggressive and active in extending the rights and care for our Nation's veterans. The same is true for Mr. PATRICK MURPHY from Pennsylvania, a new Member, our only Iraqi veteran, in fact, serving in the Congress, and has dedicated a lot of time to making sure his comrades get the health care and attention and benefits that they need.

I would yield to him 3 minutes.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today in support of the 21st Century Servicemembers Protection Act and to address the problem that my buddy and fellow paratrooper in the 101st Airborne Division brought to my attention, one that affects our deployed troops overseas when they return home.

Mr. Speaker, some cell phone companies and Internet service providers are not allowing deployed troops to suspend or terminate their contracts. Some troops, many troops, have had their credit reports damaged. We owe our brave troops better than this, and we need to do better for folks like Sergeant Patrick Campbell, who spent, on his first day back from deployment, 8 hours in a mall cell phone store the day he got back from Iraq trying to

sort out his cell phone contract so he could call his loved ones and straighten out a wrongful credit report.

Mr. Speaker, our servicemen and -women must focus on completing their mission and returning home safely. They should not have to worry about creditors harassing their family or if a cell phone company is ruining their credit.

This bill also allows our heroes to keep their cell phone numbers so they can better reconnect with their loved ones once they return home. This is crucial when you look at one in five Iraq and Afghanistan veterans have symptoms of Post-Traumatic Stress Disorder or TBI, traumatic brain injury, the two signature injuries of the Iraq and Afghanistan war.

Mr. Speaker, this is not a Democrat or a Republican issue. This is about doing what is right for our troops.

With that, I would like to thank Chairman FILNER. I would like to thank Mr. BUYER. I would also like to thank Chairwoman HERSETH SANDLIN and Mr. BOOZMAN for their leadership and bipartisan efforts on behalf of our veterans, and for including my bill in their legislation.

I am a proud Member of the 110th Congress, a Congress that worked in a bipartisan fashion for our veterans, the one that passed the largest increase in veterans benefits in the VA history; the one that passed the new GI bill for our troops, so they get 4 years of college education or technical school, and a Congress that now passes this great bill in the Halls of Congress.

Mr. Speaker, I rise today in strong support of H.R. 6225.

I would like to thank Chairman FILNER and Ranking Member BUYER as well as Chairwoman HERSETH SANDLIN and Ranking Member BOOZMAN for their leadership on behalf of veterans and for including my bill, the 21st Century Servicemembers Protection Act, in this great legislation.

Mr. Speaker, my bill addresses a problem that a JAG attorney in the 101st Airborne brought to my attention soon after my election to Congress.

He alerted me to the disturbing fact that some of our troops have had their credit reports damaged during their deployments overseas.

They are having trouble suspending or breaking their contracts with cell phone companies or internet service providers—even if they present deployment orders.

In fact, the JAG attorney who called me was able to suspend one of his own contracts during his deployment, but to do so he was forced to pay a costly fee.

Looking into this further, I also discovered that some financial institutions are slow or unwilling to reduce servicemembers' interest rates during deployments . . . even though these creditors are already required to do so by law.

Mr. Speaker, we owe our brave troops, and their brave families better than this. While facing the strain of long deployments, they should not have to face repeated harassment by collection agencies.

As we continue to send a new generation into harm's way, it is our duty to protect these brave troops and do right by their families.

Our servicemen and women should be allowed to focus on completing their mission and returning home safely—they should not have to worry about creditors harassing their family, or if their cell phone company is ruining their credit.

Mr. Speaker, my portion of this bill expands the existing Servicemembers Civil Relief Act to cover 21st century service contracts such as cellular phones, utilities, cable television, and internet access.

Quite simply, my measure will allow troops with deployment orders to terminate or suspend their service contracts without fee or penalty and it will force creditors who knowingly or negligently fail to reduce interest rates to face penalties.

While I believe this to be a serious problem faced by our troops, most service providers take steps to allow servicemembers facing deployment or change of station to terminate or suspend service without penalty, and I appreciate the input I have received from a variety of industries on this bill.

Most companies have programs in place, and train their customer service representatives to deal appropriately with these situations. However, I recognize that mistakes do happen, especially in large companies with millions of customers and many thousands of employees.

My intention is not to use the most severe penalties available under this bill to punish occasional innocent mistakes. Instead, the penalties that are included in this bill should be applied proportionally with consideration given to the frequency, severity, and intent of the violation or violations.

In instances where a servicemember is only minimally inconvenienced, and the serviceprovider promptly rectifies the situation, no criminal penalty may be necessary at all. However, when the violations are intentional and repeated, the full penalty available should be applied.

Mr. Speaker, as a veteran of the United States Army and the war in Iraq, I know how important it is that our troops be able to focus on accomplishing their mission without worrying about credit trouble back at home.

This is not a Democratic or Republican issue. This is about doing what's right for our troops. With that, I would again like to thank Chairman FILNER and Mr. BUYER for their leadership.

Mr. BOOZMAN. Mr. Speaker, I want to compliment Mr. MURPHY for bringing forward this part of the legislation that is included in the bill. We appreciate you bringing it to our attention, and we appreciate your hard work in getting this done. The cell phone, the Internet, things like that that we take for granted truly are a hassle.

The other thing I want to compliment you on is listening to Sergeant Campbell. And so many times we hear of these instances and we don't follow up. So that really is important. So we thank you very much.

At this time, Mr. Speaker, I would like to yield as much time as he would like to Mr. CARTER, the gentleman from Texas.

Mr. CARTER. I thank my friend from Arkansas, the ranking member, Mr. BOOZMAN. And I want to thank Ms. HERSETH SANDLIN for the work she did

incorporating into 6225, which I rise in support of, H.R. 6070, the Military Spouses Residency Relief Act.

I have a very similar story to the previous story. I had a spouse of a captain at Fort Hood come to me and say, you know, we have been transferred to the Pentagon. And my husband, he still votes, pays his taxes and everything else in Killeen, Texas. But I have been transferred with my husband up here to Virginia, and now I am having to register to vote in Virginia. My Congressman is from Virginia. I have to register my car titles and everything in Virginia, independently of my husband. I have to pay State income taxes in Virginia. And quite frankly, my husband serves in the Army, and we serve the military out of patriotism to our country, and we are proud to do it. But I make twice as much money as he does, and this is a burden upon me, taxwise and it is a burden on me with my family.

And I made the assumption that that was fixed, had been fixed a long time ago. So this, 6070, which is incorporated in 6225, allows the spouse to have the same benefits we have given to our soldiers, sailors, airmen and Marines, that they can designate a residency and that remains their residency no matter where the military sends them.

My wife is from Holland, and she has a little saying in Dutch that she has got written on the wall. And it says, "It's not the mountain you have to climb that gets you, it's the grain of sand in your shoe." And this is one of those grains of sand in the shoes of the spouses of our military which is an irritant to them that is easy for us to fix.

And I want to thank all those involved in allowing this to go forward. This will be something that seems small to some, but it is a big hurdle to the spouses of our military.

Mr. FILNER. Mr. Speaker, I would yield 2 minutes to my colleague from San Diego, Congresswoman SUSAN DAVIS.

Mrs. DAVIS of California. Mr. Speaker, as chairwoman of the House Armed Services Subcommittee on Personnel, I strongly support the Injunctive Relief for Veterans Act, H.R. 6225.

Now, early in the 110th Congress I introduced the Veterans Education Tuition Support Act, or H.R. 2910, to guarantee tuition reimbursement and readmission for every servicemember deployed while attending college. Now, I did that because I had heard from a number of servicemembers about their situations. Many reported that they had problems during activations, including harassment from bill collectors for tuition, and difficulty re-enrolling back into school.

Our men and women in uniform already face unthinkable levels of pressure and stress while fighting in Afghanistan and Iraq, and they deserve to know that they will be treated fairly by their institution and can easily return

to their studies after the mission is over.

I am pleased that Chairwoman HERSETH SANDLIN has included provisions from H.R. 2910 into H.R. 6225, and I want to thank the committee for taking up this very important issue.

Mr. BOOZMAN. Mr. Speaker, I yield myself as much time as I might consume.

I want to thank Mr. CARTER for bringing forward the legislation that he did that was included in this bill, the ability to designate a residency along with the husband, and not go through the hassle of having split residencies, which, again, it is little things like that as he alluded to, that truly are a hassle, and that the committee is working hard to address and trying to fix these things.

I also want to thank Mrs. DAVIS from California. Again, very much the same thing. You are working hard, you are in school and all of a sudden you get called up. You do your duty in a very glad way, to serve your country, but then you come back and you have got the hassle of half a semester that has to be dealt with. Most of the time the institutions are good about doing that, but they are not always, as we are hearing.

So I very heartily support this bill. I want to thank Ms. HERSETH SANDLIN and her staff. And I want to thank my staff for their hard work in getting it together.

I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, again, I want to thank Mr. BOOZMAN, who worked so well with Ms. HERSETH SANDLIN on their committee. In the spirit that they worked together, we had contributions from older Members, younger Members, Republicans, Democrats in what is an extremely good bill.

#### GENERAL LEAVE

Mr. FILNER. I would ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 6225, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. HERSETH SANDLIN. Mr. Speaker, as the Chairwoman of the Veterans' Affairs Economic Opportunity Subcommittee and sponsor of the bill, I rise today in strong support of H.R. 6225, as amended, which the Economic Opportunity Subcommittee passed on June 26 and the full Committee approved on July 15.

I would like to thank full Committee Chairman FILNER, Ranking Member BUYER, and Subcommittee Ranking Member BOOZMAN for their leadership and bipartisan support of this bill, which I introduced on June 10, 2008.

The bill would amend section 2 of title 38 by declaring the court "shall" instead of "may" use its full equity powers, including temporary or permanent injunctions, temporary restraining orders, and contempt orders, to protect the rights and benefits of veterans. It is my expectation that more courts will use this remedy when deemed appropriate that equitable relief is warranted.

I also would like to thank Mr. Matthew Tully of Tully and Rinckey LLC, who specializes in law under USERRA, and brought the need for this change to our Subcommittee's attention during a hearing on February 13 of this year.

I also would like to thank Representative SUSAN DAVIS for the introduction of H.R. 2910, "The Veterans Education Tuition Support Act," Representative PATRICK MURPHY for the introduction of H.R. 3298 "The 21st Century Servicemembers Protection Act," and Representative JOHN CARTER for the introduction of H.R. 6070, "The Military Spouses Residency Relief Act"—all of which have also been included in H.R. 6225.

These bills take steps in the right direction to providing greater protections and safeguards to those that have answered the call to duty.

Again, I thank Chairman FILNER for his support of these important bills. I encourage my colleagues to support H.R. 6225, as amended.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 6225, as amended, the Injunctive Relief for Veterans Act of 2008. This bill would amend title 38, United States Code, with regard to equitable relief with respect to a State or private employer.

Mr. Speaker, I commend the Committee on Veterans Affairs Subcommittee on Economic Opportunity for its bipartisan efforts in bringing this bill before us. Subcommittee Chairwoman HERSETH SANDLIN and Subcommittee Ranking Member BOOZMAN have brought together some good provisions from several bills to improve upon existing Uniformed Services Employment and Reemployment Rights Act, USERRA, and Servicemember's Civil Relief Act, SCRA, protections for our military servicemembers and their spouses.

H.R. 6225, as amended, incorporates provisions of H.R. 2910, introduced by Representative SUSAN DAVIS of California; H.R. 3298, introduced by Representative PATRICK MURPHY of Pennsylvania; and, H.R. 6070 introduced by Representative JOHN R. CARTER of Texas.

The intent of the legislation is to encourage courts to utilize equity powers in appropriate USERRA cases that come before them. During discussion of the bill that took place during the full Committee markup, Subcommittee Chairwoman HERSETH SANDLIN clarified that injunctive relief is available under the discretion of the judge hearing the facts at a preliminary hearing, and that this section is not intended to create a new avenue of appeal in USERRA cases.

The bill, as amended, would also require colleges and universities to provide refunds on tuition and fees for students who are called up for active duty, and it would allow such students to reenter the institution at the same educational and academic status that was held at the time of activation.

Mr. Speaker, this bill would extend SCRA protections to enable servicemembers with deployment orders to more easily terminate or suspend service contracts without fee or penalty for such services to include cellular phones, utilities, cable television, or internet access. It would also add penalties to those creditors under SCRA who refuse to reduce interest rates as currently required.

Additionally, H.R. 6225, as amended, would allow a military spouse to vote in the same location of Federal, State and local elections as the servicemember, and pay taxes in the same State as the servicemember.

Mr. Speaker, H.R. 6225, as amended, provides members of the Armed Forces necessary protections that will enable them to make a seamless transition back to civilian life after their tour of duty is completed. These brave men and women put their lives on hold to ensure the freedom and safety of our Nation, and we owe it to them to provide relief when and where we can.

I support H.R. 6225, as amended, and I urge my colleagues to support the bill.

Mr. FILNER. I urge my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6225, 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.

#### IMPROVING VETERANS' OPPORTUNITY IN EDUCATION AND BUSINESS ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6221) to amend title 38, United States Code, to require the Secretary of Veterans Affairs to include in each contract the Secretary enters for the acquisition of goods and services a provision that requires the contractee to comply with the contracting goals and preferences for small business concerns owned or controlled by veterans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6221

*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 Veterans' Opportunity in Education and Business Act of 2008".

##### SEC. 2. CONTRACTING GOALS AND PREFERENCES FOR VETERAN-OWNED SMALL BUSINESS CONCERNS.

Section 8127 of title 38, United States Code, is amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following:

"(j) **APPLICABILITY OF REQUIREMENTS TO CONTRACTS.**—(1) If the Secretary enters, on or after June 1, 2007, into a contract, memorandum of understanding, agreement, or other arrangement with any governmental entity or person to acquire goods or services, or both, the Secretary shall include in such contract, memorandum, agreement, or other

arrangement a requirement that the entity or person will comply with the provisions of this section in acquiring such goods or services, or both.

"(2) **COORDINATION.**—The Secretary shall take such action as may be necessary to ensure that the efforts to comply with this section of the Department and governmental entities and persons to which paragraph (1) applies are coordinated.

"(3) The Secretary shall modify contracts, memoranda of understanding, agreements, and other arrangements of the Department in effect on the date of enactment of the Improving Veterans' Opportunity in Education and Business Act of 2008 to comply with this subsection.

"(4) Nothing in this subsection shall be construed to supersede or otherwise affect the authorities provided by and under the Small Business Act (15 U.S.C. 631 et seq.)."

##### SEC. 3. FIVE-YEAR PILOT PROGRAM FOR ON-CAMPUS WORKSTUDY POSITIONS.

(a) **ESTABLISHMENT OF PILOT PROGRAM.**—The Secretary of Veterans Affairs shall conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of qualifying workstudy activities for purposes of section 3485(a)(4) of title 38, United States Code, including workstudy positions available on site at educational institutions.

(b) **TYPE OF WORKSTUDY POSITIONS.**—The workstudy positions referred to in subsection (a) may include positions in academic departments (including positions as tutors or research, teaching, and lab assistants) and in student services (including positions in career centers and financial aid, campus orientation, cashiers, admissions, records, and registration offices).

(c) **REGULATIONS.**—The Secretary shall issue regulations to carry out the pilot project under this section, including regulations providing for the supervision of workstudy positions referred to in subsection (a) by appropriate personnel of the Department.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary \$10,000,000 for each of fiscal years 2009 through 2013 to carry out the pilot project under this section.

(e) **FUNDING.**—Notwithstanding any other provision of law, this section shall not be carried out with any funds provided for or under any authority of the Readjustment benefits program described by the list of Appropriated Entitlements and Mandatories for Fiscal Year 1997 contained in the Conference Report to accompany H.R. 2015 of the 105th Congress, the Balanced Budget Act of 1997 (H. Report 105-217). Instead, no funds shall be obligated for the purpose of carrying out this section except discretionary funds appropriated specifically for the purpose of carrying out this section in appropriation Acts enacted after the date of the enactment of this Act.

##### SEC. 4. MILITARY OCCUPATIONAL SPECIALTY TRANSITION (MOST) PROGRAM.

(a) **IN GENERAL.**—Subchapter II of chapter 36 of title 38, United States Code, is amended by inserting after section 3687 the following new section:

##### "§ 3687A. Military occupational specialty transition (MOST) program

"(a) **ESTABLISHMENT; ELIGIBILITY.**—

"(1) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary shall carry out a program of training to provide eligible veterans with skills relevant to the job market.

"(2) **ELIGIBLE VETERAN.**—For purposes of this section, the term 'eligible veteran' means any veteran if—

"(A) such veteran's military occupational specialty at the time of discharge is deter-

mined by the Secretary to have limited transferability to the civilian job market;

"(B) such veteran is not otherwise eligible for education or training services under this title;

"(C) such veteran has not acquired a marketable skill since leaving military service;

"(D) such veteran was discharged under conditions not less than general under honorable conditions; and

"(E)(i) such veteran has been unemployed for at least 90 of the 180 days preceding the date of application for the program established under this section; or

"(ii) the maximum hourly rate of pay of such veteran during such 180-day period is not more than 150 percent of the Federal minimum wage.

"(b) **MOST PROGRAM.**—The program established under this section shall provide for payments to employers who provide for eligible veterans a program of apprenticeship or on-the-job training if—

"(1) such program is approved as provided in paragraph (1) or (2) of section 3687(a) of this title;

"(2) the rate of pay for veterans participating in the program is not less than the rate of pay for nonveterans in similar jobs; and

"(3) the Secretary reasonably expects that—

"(A) the veteran will be qualified for employment in that field upon completion of training; and

"(B) the employer providing the program will hire the veteran at the completion of training.

"(c) **PAYMENTS TO EMPLOYERS.**—

"(1) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary shall enter into contracts with employers to provide programs of apprenticeship or on-the-job training which meet the requirements of this section. Such contract shall provide for the payment of the amounts described in subsection (b) to employers whose programs meet such requirements.

"(2) **AMOUNT OF PAYMENTS.**—The amount paid under this section with respect to any eligible veteran for any period shall be 50 percent of the wages paid by the employer to such veteran for such period. Wages shall be calculated on an hourly basis.

"(3) **AMOUNT AND DURATION OF PAYMENTS.**—

"(A) **IN GENERAL.**—Except as provided in subparagraph (B)—

"(i) the amount paid under this section with respect to a veteran participating in the program established under this section may not exceed \$20,000 in the aggregate and \$1,666.67 per month; and

"(ii) such payments may only be made during the first 12 months of such veteran's participation in the program.

"(B) **VETERANS PARTICIPATING ON LESS THAN FULL-TIME BASIS.**—In the case of a veteran participating in the program on a less than full-time basis, the Secretary may extend the number of months of payments under subparagraph (A) and proportionally adjust the amount of such payments, but the maximum amount paid with respect to a veteran may not exceed the maximum amount of \$20,000 and the maximum amount of such payments may not exceed 24 months.

"(4) **PAYMENTS MADE ON QUARTERLY BASIS.**—Payments under this section shall be made on a quarterly basis.

"(5) **EMPLOYER REPORT.**—Each employer providing a program of apprenticeship or on-the-job training pursuant to this section shall submit to the Secretary on a quarterly basis a report certifying the wages paid to eligible veterans under such program (which shall be certified by the veteran as being correct) and containing such other information as the Secretary may specify. Such report