

Summary of H.R. 3949, as amended Veterans' Small Business Assistance and Servicemembers Protection Act of 2009

Title: To amend title 38, United States Code, and the Servicemembers Civil Relief Act, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

Mr. Filner of California introduced H.R. 3949 on October 28, 2009.

H.R. 3949, as amended, would:

1. Authorize the Secretary access to personal information maintained by the Secretary to verify the information in the application for small business ownership.
2. Prevent the Secretary from including a small business in the database, until the Secretary receives information necessary to verify veteran status.
3. Prohibit a small business concern from being included in the database until the Secretary confirms that the small business is owned and controlled by a veteran or service disabled veteran.
4. Require the Secretary to notify small businesses currently listed in the database no later than 60 days after enactment that the Secretary is required to verify veteran status, application for inclusion will grant the Secretary the authority to access personal information maintained by the Secretary to verify the information in the application, and the small business must acknowledge the requirements or the small business will be removed from the database.
5. Reauthorize the U.S. Department of Veterans Affairs' Veterans' Advisory Committee on Education through 2015.
6. Allow a servicemember to terminate certain service contracts if the servicemember received military orders to deploy for a period of no less than 90 days, or change of duty station that does not support such service.
7. Allow the servicemember to keep the cell phone number to the extent practicable with applicable law for up to 90 days after deployment or change of duty station.
8. Cover contracts that include cellular telephone service (including family plans with the servicemember), telephone service, multi-channel video programming service, internet service, and home water-electricity, home heating oil, and natural gas services.
9. Require the servicemember to deliver a written notice of termination of service contract and military order to the service provider.
10. Terminate the service contract on the date that such notice is delivered.
11. Prevent the service provider from imposing an early termination charge but allows for the service provider to collect appropriate tax, obligation or liability under the contract. Allows the servicemember to re-subscribe, without reinstatement charges within 90-days after deployment or change of duty station has concluded.
12. Require the service provider to return any advance payment fees within 60-days after the termination date.
13. Prohibits a lessor from charging an early termination charge with respect to a residential, professional, business, or agricultural rental lease or a motor vehicle lease entered into by a person who subsequently enters military service, or for a servicemember who has received orders for permanent change of station or for deployment in support of a military operation.

14. Require lease amounts for a period preceding the lease termination to be paid on a pro-rated basis and other unpaid lease charges shall be paid by the lessee.
15. Authorize the Attorney General to bring a civil action in U.S. district court including: restraining orders and injunctions, damages, and penalties.
16. Authorize a private cause of action for such enforcement by a servicemember, dependent, or other protected person under the Act.
17. Require the Secretary to establish, and annually review, a plan to coordinate outreach activities within the Department; specifically among the Office of the Secretary, Office of Public Affairs, Veterans Health Administration, Veterans Benefits Administration, and National Cemetery Administration.
18. Establish a program for the Secretary to provide assistance to States for outreach to veterans and their families in order to inform them about benefits and programs for which they are eligible, and to assist them in applying for these benefits and programs.
19. Require the Secretary to direct assistance to areas with a large and growing veteran population.
20. Authorize the Secretary to enter into cooperative relationships with State veterans agencies to improve outreach to veterans.
21. Establish a grant program for the Secretary to provide to States for outreach activities, cooperative relationships and to develop benefit claims.
 - a. Allow State veterans agencies to award a portion of grants to local governments for outreach purposes.
 - b. Prohibit any portion of the grant to be used by the State for administrative purposes.
 - c. Limit the use of the Grants to States to less than 50 percent of the cost of State and local government outreach activities, and prohibit grant funds from supplanting existing state and local funds for such activities. Require the Secretary to allocate grants based on veteran populations.
 - d. Allow for grants to be used to establish a local government veterans service program. Allow State veterans agencies to perform outreach activities in a local government's jurisdiction if that local veterans service agency elects not to participate in this grant program. If State veterans agencies and local government veterans service programs elect not to participate, the Secretary is allowed to allocate grants to other State and local programs that do choose to participate.
 - e. Allow for funding from grants to be used for education and training for State and local government employees for accreditation to provide outreach services.
 - f. Definition of State veterans agency – the element of the government of a State that has responsibility for programs and activities of that State government relating to veterans benefits.
 - g. Allow the Secretary to develop and provide the grant recipient written guidance on annual outcome measures, Department policies, and procedures for applying for grants.
22. Establish a separate account in the Department's budget for this outreach program.
23. Authorize appropriations of \$25,000,000 annually for Fiscal Years 2008, 2009, and 2010.
24. Direct the VA Secretary to establish a scholarship program for students seeking a degree or certificate in blind rehabilitation (Vision Impairment and/or Orientation and Mobility) under the "Health Professional Education Assistance Program."
25. Require students to work for three years in a VA health care facility, and mandates that the Secretary shall provide financial assistance to students enrolled in a program of study leading to a degree or certificate in a U.S. state, provided that they agree with applicable requirements.

26. Require individuals who do not satisfy the requirements of the agreement to repay the unearned portion of the assistance to the Secretary.
27. Allow the interment of certain parents of eligible deceased servicemembers. Require the VA Secretary to determine that there is available space in a gravesite cemetery for the interment of the biological or adoptive parent(s) if the servicemember;
 - a. died while engaged in combat, hostile action, or training related injuries; and,
 - b. at the time of their death, there were no other eligible dependents, such as a spouse or dependent child.
28. Require the VA Secretary in consultation with the DoD Secretary to develop guidance by which the parent may be designated eligible for interment in a national cemetery.

Effective Date: Date of enactment with the exception of subsection 8005 which will be effective not later than six months after the date of the enactment of this Act and amendments to section 303 which are effective on or after October 7, 2001.

Cost: CBO estimates that implementing H.R. 3949 will cost \$81 million over five years in discretionary spending.

Legislative History:

Oct. 28, 2009: Ordered reported by the Committee on Veterans' Affairs.

Nov. 2, 2009: Reported, H. Rept. 111-324.

Nov. 3, 2009: Passed the House by the Yeas and Nays: 382-2 (Roll No. 835)

Includes provisions of H.R. 32; H.R. 228; H.R. 761, as amended; H.R. 2461; H.R. 2614; H.R. 2696, as amended; and, H.R. 2874, as amended.