

104TH CONGRESS  
2D SESSION

# H. R. 3493

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 1996

Mr. FOX of Pennsylvania (for himself, Mr. EVERETT, Mr. BUYER, and Mr. HUTCHINSON) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## 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)(A) From amounts appropriated to the De-  
21          partment for each of fiscal years 1997 through 2003 for  
22          the payment of compensation and pension, the Secretary  
23          shall transfer to the Court the amount specified under  
24          subparagraph (B) for each such fiscal year, and such

1 funds shall be available for use by the Court only in ac-  
2 cordance with this section.

3 “(B) The amount to be transferred to the Court  
4 under paragraph (1) for any fiscal year is \$700,000 for  
5 fiscal year 1997 and the same amount for each succeeding  
6 fiscal year through fiscal year 2003 increased by 3 percent  
7 per year.

8 “(2) The Court shall provide funds transferred to it  
9 under this paragraph to a nonprofit organization described  
10 in subsection (a)(1). Such funds shall be provided to such  
11 organization in advance or by way of reimbursement, to  
12 cover some or all of the administrative costs of the organi-  
13 zation in providing financial assistance to legal assistance  
14 entities carrying out programs described in subsection (b).

15 “(3) Funds shall be provided under this subsection  
16 pursuant to a written agreement entered into by the Court  
17 and the organization receiving the funds.

18 “(d) A nonprofit organization may—

19 “(1) accept funds, in advance or by way of re-  
20 imbursement, from the Court under subsection  
21 (a)(1) in order to provide the financial assistance re-  
22 ferred to in that subsection;

23 “(2) provide financial assistance by grant or  
24 contract to legal assistance entities under this sec-

1       tion for purposes of permitting such entities to carry  
2       out programs described in subsection (b);

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

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

8       “(e)(1) Not later than February 1 of each year, the  
9       Court shall submit to Congress a report on the funds and  
10      financial assistance provided under this section during the  
11      preceding fiscal year. Based on the information provided  
12      the Court by entities receiving such funds and assistance,  
13      each report shall—

14            “(A) set forth the amount, if any, of funds pro-  
15      vided to nonprofit organizations under paragraph  
16      (1) of subsection (a) during the fiscal year covered  
17      by the report;

18            “(B) set forth the amount, if any, of financial  
19      assistance provided to legal assistance entities pur-  
20      suant to paragraph (1) of subsection (a) or under  
21      paragraph (2) of that subsection during that fiscal  
22      year;

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

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

3           “(2) The Court may require that any nonprofit orga-  
4           nization and any legal assistance entity to which funds or  
5           financial assistance are provided under this section provide  
6           the Court with such information on the programs carried  
7           out under this section as the Court determines necessary  
8           to prepare a report under this subsection.

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

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

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

18           “(3) The term ‘veterans service organization’  
19           means an organization referred to in section  
20           5902(a)(1) of this title, including an organization  
21           approved by the Secretary under that section.”.

22           (b) CLERICAL AMENDMENT.—The table of sections  
23           at the beginning of such chapter is amended by inserting  
24           after the item relating to section 7286 the following new  
25           item:

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

