

104TH CONGRESS
1ST SESSION

S. 1131

To amend title 38, United States Code, to authorize the provision of financial assistance in order to ensure that financially needy veterans receive legal assistance in connection with proceedings before the United States Court of Veterans Appeals.

IN THE SENATE OF THE UNITED STATES

AUGUST 8 (legislative day, JULY 10), 1995

Mr. ROCKEFELLER (for himself and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to authorize the provision of financial assistance in order to ensure that financially needy veterans receive legal assistance 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.—(1) Subchapter III of chapter 72
5 of title 38, United States Code, is amended by adding at
6 the end the following:

7 **“§ 7287. Legal assistance for certain veterans in**
8 **Court proceedings; use of funds for as-**
9 **sistance**

10 “(a)(1) The Court may, in accordance with this sec-
11 tion, provide funds (in advance or by way of reimburse-
12 ment) to nonprofit organizations, under such terms and
13 conditions consistent with this section as the Court consid-
14 ers appropriate, in order to permit such organizations to
15 provide financial assistance by grant or contract to such
16 legal assistance entities as the organizations consider ap-
17 propriate for purposes of permitting such entities to carry
18 out programs described in subsection (b).

19 “(2) Notwithstanding any other provision of law, if
20 the Court determines that there exists no nonprofit orga-
21 nization that would be an appropriate recipient of funds
22 under this section for the purposes referred to in para-
23 graph (1) and that it is consistent with the mission of the
24 Court, the Court may provide financial assistance, by
25 grant or contract, directly to such legal assistance entities
26 as the Court considers appropriate for purposes of permit-

1 ting such entities to carry out programs described in sub-
2 section (b).

3 “(b)(1) A program referred to in subsection (a) is any
4 program under which a legal assistance entity utilizes fi-
5 nancial assistance under this section to provide assistance
6 or carry out activities (including assistance, services, or
7 activities referred to in paragraph (3)) in order to ensure
8 that individuals described in paragraph (2) receive, with-
9 out charge, legal assistance in connection with decisions
10 to which section 7252(a) of this title may apply or with
11 other proceedings before the Court.

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

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

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

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

23 “(A) Financial assistance to defray the ex-
24 penses of legal advice or representation (other than
25 payment of attorney fees) by attorneys, clinical law

1 programs of law schools, and veterans service orga-
2 nizations.

3 “(B) Case screening and referral services for
4 purposes of referring cases to pro bono attorneys
5 and such programs and organizations.

6 “(C) Education and training of attorneys and
7 other legal personnel who may appear before the
8 Court by attorneys and such programs and organiza-
9 tions.

10 “(D) Encouragement and facilitation of the pro
11 bono representation by attorneys and such programs
12 and organizations.

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

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

1 “(c)(1) The Court may, out of the funds appropriated
2 to the Court for such purpose, provide funds to a nonprofit
3 organization described in subsection (a)(1), in advance or
4 by way of reimbursement, to cover some or all of the ad-
5 ministrative costs of the organization in providing finan-
6 cial assistance to legal assistance entities carrying out pro-
7 grams described in subsection (b).

8 “(2) Funds shall be provided under this subsection
9 pursuant to a written agreement entered into by the Court
10 and the nonprofit organization receiving the funds.

11 “(d) Notwithstanding any other provision of law, a
12 nonprofit organization may—

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

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

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

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

1 “(e)(1) Not later than February 1 each year, the
2 Court shall submit to Congress a report on the funds and
3 financial assistance provided under this section during the
4 preceding fiscal year. Based on the data provided the
5 Court by entities receiving such funds and assistance, each
6 report shall—

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

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

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

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

21 “(2) The Court may require that the nonprofit orga-
22 nization and legal assistance entities to which funds or fi-
23 nancial assistance are provided under this section provide
24 the Court with such data on the programs carried out

1 under this section as the Court determines necessary to
2 prepare a report under this subsection.

3 “(g) For the purposes of this section:

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

8 “(2) The term ‘Legal Services Corporation’
9 means the corporation established under section
10 1003(a) of the Legal Services Corporation Act (42
11 U.S.C. 2996b(a)).

12 “(3) The term ‘nonprofit organization’ means
13 the Legal Services Corporation or any other similar
14 not-for-profit organization that is involved with the
15 provision of legal assistance to persons unable to af-
16 ford such assistance.

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

21 (2) The table of sections at the beginning of such
22 chapter is amended by inserting after the item relating
23 to section 7286 the following new item:

“7287. Legal assistance for financially needy veterans in Court proceedings; use
of funds for assistance.”.

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