

112TH CONGRESS  
1ST SESSION

# S. 1846

To amend title 38, United States Code, to establish the National Veterans Support Foundation to carry out activities to support and supplement the mission of the Department of Veterans Affairs, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 2011

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to establish the National Veterans Support Foundation to carry out activities to support and supplement the mission of the Department of Veterans Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nationwide Network  
5 of Support for Veterans and Their Families Act of 2011.”.

1 **SEC. 2. NATIONAL VETERANS SUPPORT FOUNDATION.**

2 (a) IN GENERAL.—Part V of title 38, United States  
3 Code, is amended by adding at the end the following new  
4 chapter:

5 **“CHAPTER 80—NATIONAL VETERANS**  
6 **SUPPORT FOUNDATION**

“CHAPTER 80—NATIONAL VETERANS SUPPORT FOUNDATION

“Sec.

“8001. Definitions.

“8002. Establishment and organization.

“8003. Purposes.

“8004. Board of directors.

“8005. Officers and employees.

“8006. Powers.

“8007. Direct community reintegration support grant program.

“8008. Limitations on grants.

“8009. Principal office.

“8010. Protection and uses of trademarks and trade names.

“8011. Restriction on Federal funding.

“8012. Service of process.

“8013. Duty to maintain corporate and tax-exempt status.

“8014. Civil action by Attorney General for equitable relief.

“8015. Audits.

“8016. Annual report.

7 **“§ 8001. Definitions**

8 “In this chapter:

9 “(1) CORPORATION.—The term ‘corporation’  
10 means the National Veterans Support Foundation  
11 established under section 8002(a) of this title.

12 “(2) VETERANS SERVICE ORGANIZATION.—The  
13 term ‘veterans service organization’ means any orga-  
14 nization recognized by the Secretary for the rep-  
15 resentation of veterans under section 5902 of this  
16 title.

1 **“§ 8002. Establishment and organization**

2 “(a) ESTABLISHMENT.—There is established a Na-  
3 tional Veterans Support Foundation.

4 “(b) FEDERAL CHARTER.—The corporation is a fed-  
5 erally chartered corporation.

6 “(c) PLACE OF INCORPORATION AND DOMICILE.—  
7 The corporation shall be incorporated and domiciled in the  
8 District of Columbia or another nearby State, as deter-  
9 mined by the board of directors of the corporation.

10 “(d) NONPROFIT STATUS.—The corporation shall be  
11 a charitable and nonprofit corporation.

12 “(e) PERPETUAL EXISTENCE.—Except as otherwise  
13 provided, the corporation shall have perpetual existence.

14 **“§ 8003. Purposes**

15 “The purposes of the corporation are as follows:

16 “(1) In consultation with the Secretary of Vet-  
17 erans Affairs, the Secretary of Defense, the Sec-  
18 retary of Labor, the Secretary of Homeland Secu-  
19 rity, the Director of the Office of Personnel Manage-  
20 ment, and other heads of relevant agencies—

21 “(A) to analyze and organize resources  
22 that list and describe organizations, programs,  
23 events, and other activities that provide assist-  
24 ance specifically to veterans; and

25 “(B) to help determine with which such or-  
26 ganizations, programs, events, and activities

1 combined private and governmental efforts  
2 would be most beneficial for veterans.

3 “(2) To provide analytical support, map re-  
4 sources across the United States, and help align and  
5 scale resources that support veterans and their fami-  
6 lies.

7 “(3) To encourage and promote participation by  
8 private organizations in—

9 “(A) activities that serve and support vet-  
10 erans; and

11 “(B) activities of veterans service organiza-  
12 tions, faith-based organizations, and other char-  
13 itable or nonprofit organizations that have a  
14 mission to provide assistance to veterans and  
15 their families.

16 “(4) To encourage and promote communication  
17 between the Secretary of Veterans Affairs, the Sec-  
18 retary of Defense, the Secretary of Labor, the Sec-  
19 retary of Homeland Security, the Director of the Of-  
20 fice of Personnel Management, private organizations,  
21 veterans service organizations, faith-based organiza-  
22 tions, and other charitable or nonprofit organiza-  
23 tions that have a mission to provide assistance to  
24 veterans and their families.

1           “(5) To promote coordination of services, pro-  
2           grams, events, and other activities provided by the  
3           secretaries and organizations described in paragraph  
4           (4), particularly with respect to coordination carried  
5           out in local communities.

6           “(6) To encourage and promote private gifts of  
7           services and money and other property to support  
8           the services, programs, events, and activities de-  
9           scribed in paragraph (5).

10           “(7) In consultation with the Secretary of Vet-  
11           erans Affairs, to undertake and support activities to  
12           improve the services and support available to vet-  
13           erans and their families.

14           “(8) To refer and connect private organizations  
15           seeking to support veterans and their families to or-  
16           ganizations that provide such support.

17           “(9) To refer and connect organizations and  
18           communities seeking to support veterans and their  
19           families to Federal and private sector resources rel-  
20           evant to the provision of such support.

21           “(10) To raise awareness regarding issues fac-  
22           ing veterans and their families and to undertake  
23           such educational media campaigns as the board of  
24           directors of the corporation considers appropriate for

1 the purposes described in this section, including na-  
2 tional media outreach and local media outreach.

3 **“§ 8004. Board of directors**

4 “(a) IN GENERAL.—The corporation shall have a  
5 board of directors, which shall be the governing body of  
6 the corporation.

7 “(b) MEMBERSHIP.—(1) The board shall consist of  
8 9 members—

9 “(A) each of whom shall be a citizen of the  
10 United States;

11 “(B) three of whom shall be knowledgeable or  
12 experienced in 1 or more fields directly relating to  
13 veterans health, veterans benefits, veterans employ-  
14 ment, transition services for members of the Armed  
15 Forces separating from military service, veterans  
16 education, veterans homelessness, women veterans,  
17 or veterans-oriented community partnerships; and

18 “(C) six of whom shall be leaders in the private  
19 sector with a strong interest in issues and services  
20 relating to veterans.

21 “(2) To the extent practicable, the membership of the  
22 board shall represent diverse professional specialties.

23 “(3) Status as a veteran shall not be a requirement  
24 for membership on the board.

1       “(4) The Secretary of Veterans Affairs, the Secretary  
2 of Defense, the Secretary of Labor, the Secretary of  
3 Homeland Security, the Director of the Office of Per-  
4 sonnel Management, and such other members as the  
5 President considers appropriate shall be ex officio, non-  
6 voting members of the board.

7       “(c) INITIAL APPOINTMENTS.—(1) Not later than 90  
8 days after the date of the enactment of this chapter, the  
9 Secretary shall appoint the members of the board.

10       “(2) In selecting individuals for appointment to the  
11 board, the Secretary shall consult with the following:

12           “(A) The majority leader of the Senate con-  
13 cerning the appointment of one member.

14           “(B) The President pro tempore of the Senate  
15 concerning the appointment of one member.

16           “(C) The minority leader of the Senate con-  
17 cerning the appointment of one member.

18           “(D) The Speaker of the House of Representa-  
19 tives concerning the appointment of one member.

20           “(E) The majority leader of the House of Rep-  
21 resentatives concerning the appointment of one  
22 member.

23           “(F) The minority leader of the House of Rep-  
24 resentatives concerning the appointment of one  
25 member.

1       “(d) PERIOD OF APPOINTMENT.—(1) A member of  
2 the board shall serve for a term of six years, except the  
3 members first appointed shall be appointed for staggered  
4 terms as the Secretary considers appropriate.

5       “(2)(A) A vacancy on the board shall be filled within  
6 60 days of the vacancy in the same manner in which the  
7 original appointment was made and shall be subject to any  
8 conditions which applied with respect to the original ap-  
9 pointment.

10       “(B) An individual chosen to fill a vacancy shall be  
11 appointed for the unexpired term of the member replaced.

12       “(3) No individual may serve more than two consecu-  
13 tive terms as a member of the board.

14       “(e) CHAIRPERSON.—The chairperson shall be elect-  
15 ed by the board from its members for a two-year term  
16 and shall not be limited in terms or service, other than  
17 as provided in subsection (d).

18       “(f) SECRETARY OF THE BOARD.—The first em-  
19 ployee appointed by the board under section 8005 of this  
20 title shall be the secretary of the board, who shall be the  
21 chief operating officer of the corporation and shall be  
22 knowledgeable and experienced in matters related to vet-  
23 erans.

24       “(g) MEETINGS.—The board shall meet at the call  
25 of the chairperson and not less frequently than once each



1 year. If a member misses three consecutive regularly  
2 scheduled meetings, that member may be removed from  
3 the board and the vacancy filled in accordance with sub-  
4 section (d).

5 “(h) QUORUM.—A majority of the current member-  
6 ship of the board shall constitute a quorum for the trans-  
7 action of business.

8 “(i) REIMBURSEMENT OF EXPENSES.—Members of  
9 the board shall serve without pay, but may be reimbursed  
10 for the actual and necessary travel and subsistence ex-  
11 penses incurred by them in the performance of the duties  
12 of the corporation, subject to the same limitations on reim-  
13 bursement that are imposed upon employees of Federal  
14 agencies.

15 **“§ 8005. Officers and employees**

16 “(a) APPOINTMENT.—The board of directors may ap-  
17 point officers or employees, but only after the corporation  
18 has sufficient funds to pay for their services.

19 “(b) STATUS AND COMPENSATION.—(1) Officers and  
20 employees of the corporation—

21 “(A) shall demonstrate exceptional knowledge  
22 in matters relating to the operation of a foundation,  
23 grant making, or the provision of services to vet-  
24 erans;

1           “(B) shall not be considered employees of the  
2 United States Government;

3           “(C) shall be appointed without regard to the  
4 provisions of title 5 governing appointments in the  
5 competitive service;

6           “(D) may not receive a salary in excess of the  
7 annual rate of basic pay in effect for Level V of the  
8 Executive Schedule under section 5316 of title 5;

9           “(E) may not be an employee of the Depart-  
10 ment or spouse or dependent relative of such an em-  
11 ployee;

12           “(F) may not be an office holder in a veterans  
13 service organization or the spouse or dependent re-  
14 lative of such an office holder; and

15           “(G) may not personally or substantially par-  
16 ticipate in the consideration or determination by the  
17 corporation of any matter that would directly or pre-  
18 dictably affect any financial interest of—

19                 “(i) the individual or a relative of the indi-  
20 vidual; and

21                 “(ii) any business organization, or other  
22 entity, of which the individual is an officer or  
23 employee, is negotiating for employment, or in  
24 which the individual has a financial interest.

1       “(2) A member of the board of directors may not re-  
2 ceive compensation for serving as an employee of the cor-  
3 poration.

4       “(c) POLICIES REGARDING FINANCIAL CONFLICTS  
5 OF INTEREST AND ETHICAL STANDARDS.—In estab-  
6 lishing bylaws under section 8006 of this title, the board  
7 of directors shall provide for policies with regard to finan-  
8 cial conflicts of interest and ethical standards for the ac-  
9 ceptance, solicitation, and disposition of donations and  
10 grants to the corporation.

11   **“§ 8006. Powers**

12       “(a) IN GENERAL.—The corporation may—

13           “(1) appoint employees;

14           “(2) adopt a constitution and bylaws consistent  
15 with the purposes under section 8003 of this title;  
16 and

17           “(3) undertake such other acts as may be nec-  
18 essary to carry out the provisions of this chapter.

19       “(b) SEAL.—The corporation shall have an official  
20 seal selected by the board of directors which may be used  
21 as provided for in section 8010 of this title.

22       “(c) POWERS.—The corporation may, in consultation  
23 with the Secretary, directly or by awarding of contracts  
24 or grants, carry out or support activities for the purposes  
25 described in section 8003 of this title.

1       “(d) TREATMENT OF PROPERTY.—(1) For purposes  
 2 of this chapter, an interest in real property shall be treated  
 3 as including easements or other rights for preservation,  
 4 conservation, protection, or enhancement by and for the  
 5 public of natural scenic, historic, scientific, education, in-  
 6 spirational, or recreational resources.

7       “(2) A gift, devise, or bequest may be accepted by  
 8 the corporation even though it is encumbered, restricted,  
 9 or subject to beneficial interests of private persons if any  
 10 current or future interest therein is for the benefit of the  
 11 corporation.

12       **“§ 8007. Direct community reintegration support**  
 13                                       **grant program**

14       “(a) ESTABLISHMENT.—The corporation shall estab-  
 15 lish a direct community reintegration support grant pro-  
 16 gram to award grants to eligible entities to create or ex-  
 17 pand community-based programs that—

18                       “(1) contribute in a demonstrable manner to  
 19 fostering the readjustment and successful reintegra-  
 20 tion of veterans into their geographic communities;

21                       “(2) expand the capacity within such commu-  
 22 nities to make direct services or supportive activities  
 23 available in an ongoing and coordinated manner;

24                       “(3) engage and empower veterans; and

1           “(4) establish and sustain close working rela-  
2           tionships between one or more facilities administered  
3           by the Secretary and entities participating in such  
4           community-based programs.

5           “(b) ELIGIBLE ENTITIES.—For purposes of sub-  
6           section (a), an eligible entity is any entity that represents  
7           a geographic community that is—

8           “(1) undertaking a strategic planning process  
9           concerning what services for veterans and military  
10          families are available to veterans and military fami-  
11          lies in such geographic community and how such  
12          services are made available to such veterans and  
13          families;

14          “(2) mobilizing multiple partner organizations  
15          in the public and private sector;

16          “(3) obtaining support from key stakeholders in  
17          the veterans and military community; and

18          “(4) using Internet-based resources to facilitate  
19          a connection between veterans, military families, and  
20          the services described in paragraph (1).

21       **“§ 8008. Limitations on grants**

22          “A recipient of a grant awarded by the corporation  
23          to carry out a project, as a condition of such grant, may  
24          not receive during the one-year period beginning on the  
25          date on which such grant was awarded any amount from

1 the Department of Veterans Affairs to carry out such  
2 project.

3 **“§ 8009. Principal office**

4 “The principal office of the corporation shall be in  
5 the District of Columbia or another nearby State, as de-  
6 termined by the board of directors of the corporation.  
7 However, the corporation may conduct business through-  
8 out the States, territories, and possessions of the United  
9 States.

10 **“§ 8010. Protection and uses of trademarks and trade**  
11 **names**

12 “(a) TRADEMARKS OF THE NATIONAL VETERANS  
13 SUPPORT FOUNDATION.—Authorization for a contributor,  
14 or a supplier of goods or services, to use, in advertising  
15 regarding the contribution, good, or services, the trade  
16 name of the corporation, or any trademark, seal, symbol,  
17 insignia, or emblem of the corporation may be provided  
18 only by the corporation with the concurrence of the Sec-  
19 retary.

20 “(b) TRADEMARKS OF THE DEPARTMENT.—Author-  
21 ization for a contributor or supplier described in sub-  
22 section (a) to use, in such advertising, the trade name of  
23 the Department, or any trademark, seal, symbol, insignia,  
24 or emblem of the Department, may be provided—

25 “(1) by the Secretary; or

1           “(2) by the corporation with the concurrence of  
2           the Secretary.

3   **“§ 8011. Restriction on Federal funding**

4           “The corporation may not accept any Federal funds.

5   **“§ 8012. Service of process**

6           “The corporation shall have a designated agent to re-  
7           ceive service of process for the corporation. Notice to or  
8           service on the agent, or mailed to the business address  
9           of the agent, is notice to or service on the corporation.

10   **“§ 8013. Duty to maintain corporate and tax-exempt**  
11                                   **status**

12           “(a) CORPORATE STATUS.—The corporation shall  
13           maintain its status as a corporation incorporated under  
14           the laws of the District of Columbia or another nearby  
15           State, as determined by the board of directors of the cor-  
16           poration.

17           “(b) TAX-EXEMPT STATUS.—The corporation shall  
18           maintain its status as an organization exempt from the  
19           Internal Revenue Code of 1986.

20   **“§ 8014. Civil action by Attorney General for equi-**  
21                                   **table relief**

22           “The Attorney General may bring a civil action in  
23           the United States District Court for the District of Colum-  
24           bia for appropriate equitable relief if the corporation—

1           “(1) engages or threatens to engage in any act,  
2           practice, or policy that is inconsistent with the pur-  
3           poses in section 8003 of this title; or

4           “(2) refuses, fails, or neglects to carry out its  
5           obligations under this chapter or threatens to do so.

6   **“§ 8015. Audits**

7           “(a) GENERAL.—The financial statements of the cor-  
8           poration shall be audited annually in accordance with gen-  
9           erally accepted auditing standards by an independent cer-  
10          tified public accountant or independent licensed public ac-  
11          countant, certified or licensed by a regulatory authority  
12          of a State or other political subdivision of the United  
13          States. The audit shall be conducted where the financial  
14          statements of the corporation normally are kept. The per-  
15          son conducting the audit shall be given access to—

16               “(1) all records and property owned or used by  
17               the corporation necessary to facilitate the audit; and

18               “(2) full facilities for verifying transactions  
19               with the balances or securities held by depositories,  
20               fiscal agents, and custodians.

21          “(b) REPORT.—(1) The corporation shall submit a  
22          report of the audit to Congress not later than six months  
23          after the close of the fiscal year for which the audit is  
24          made. The report shall describe the scope of the audit and  
25          include—



1           “(A) statements necessary to present fairly the  
2           corporation’s assets, liabilities, and surplus or def-  
3           icit, and an analysis of the changes in those amounts  
4           during the year;

5           “(B) a statement in reasonable detail of the  
6           corporation’s income and expenses during the year  
7           including the results of any trading, manufacturing,  
8           publishing, or other commercial-type endeavor; and

9           “(C) the independent auditor’s opinion of those  
10          statements.

11          “(2) The report may not be printed as a public docu-  
12          ment.

13          **“§ 8016. Annual report**

14          “(a) IN GENERAL.—Each year, the corporation shall  
15          submit to Congress and the Secretary a report on the pro-  
16          ceedings and activities of the corporation during the prior  
17          fiscal year.

18          “(b) SUBMITTAL WITH AUDIT REPORTS.—Each re-  
19          port submitted under subsection (a) for a fiscal year shall  
20          be submitted at the same time as the report of the audit  
21          required by section 8015 is submitted for the same fiscal  
22          year.”.

1           (b) CLERICAL AMENDMENT.—The table of chapters  
2 at the beginning of part V of such title is amended by  
3 adding at the end the following new item:

**“80. National Veterans Support Foundation ..... 8001”.**

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