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HOUSE OF REPRESENTATIVES
REPORT
110–644

VETERANS BENEFITS AWARENESS ACT OF 2008

MAY 15, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. FILNER, from the Committee on Veterans' Affairs, submitted the following

R E P O R T

[To accompany H.R. 3681]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 3681) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to advertise in the national media to promote awareness of benefits under laws administered by the Secretary, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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69–006

AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Benefits Awareness Act of 2008".

SEC. 2. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO ADVERTISE TO PROMOTE AWARENESS OF BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY.

(a) AUTHORITY TO ADVERTISE.—Subchapter II of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 532. Authority to advertise in national media

"The Secretary may purchase advertising in national media outlets for the purpose of promoting awareness of benefits under laws administered by the Secretary, including promoting awareness of assistance provided by the Secretary, including assistance for programs to assist homeless veterans, to promote veteran-owned small businesses, and to provide opportunities for employment in the Department of Veterans Affairs and for education, training, compensation, pension, vocational rehabilitation, and healthcare benefits, and mental healthcare (including the prevention of suicide among veterans).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 531 the following:

"532. Authority to advertise in national media.".

PURPOSE AND SUMMARY

H.R. 3681 was introduced on September 27, 2007, by Representative John Boozman of Arkansas, the Ranking Member of the Subcommittee on Economic Opportunity, and cosponsored by Representative Stephanie Herseth Sandlin of South Dakota, the Chairwoman of the Subcommittee on Economic Opportunity. The legislation would authorize the Secretary of the Department of Veterans Affairs (VA) to purchase advertising in national media outlets to promote awareness of veterans' benefits.

BACKGROUND AND DISCUSSION

Advertising by the Department of Defense (DoD) has been shown to be an effective tool for outreach to the public and has increased the number of high-quality enlistments for the DoD, as demonstrated by a study prepared for the Secretary of Defense (James N. Dertouzos, Steven Garber, Is Military Advertising Effective?: An Estimation Methodology and Application to Recruiting in the 1980s and 90s) (Rand, 2003). Television advertising accounts for more than 50 percent of DoD-wide advertising expenditures. Extrapolating from the success that DoD has had with their use of television advertising, the VA should adopt a similar blueprint. H.R. 3681 would assist in addressing the VA's public outreach deficiency to veterans and their families. Issues such as veteran homelessness, economic opportunities, and suicide have received much attention recently. The VA should seek to address these pressing issues with its media strategy.

Prohibitions against using appropriated funds for "publicity or propaganda" purposes have been in place since 1951. It is a violation of the Anti-Deficiency Act, 5 U.S.C. § 1341, to expend appropriated funds for publicity or propaganda purposes. This prohibition was most recently applied to funds appropriated to the VA by Public Law 110–161, the Consolidated Appropriations Act of 2008. Section 404 of title IV of Division I states:

> No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

Although Executive Branch Departments and Agencies are prohibited from using appropriated funds to engage in "publicity or propaganda," there is no such prohibition against disseminating information about current benefits, policies and activities. Military recruiting advertising campaigns are a primary example of an acceptable use of appropriated funds. The Committee believes that advertising the availability of veterans' benefits and services by the VA would not violate the "publicity or propaganda" clause and would be an important tool for the Department to further its outreach goals regarding programs administered by the VA.

The DoD uses advertising expenditures to highlight benefits such as education under the GI Bill to recruit servicemembers; therefore, the VA should use the power of the media to conduct outreach and educate veterans about the VA benefits they have earned through military service. Although the Committee believes that the VA already possesses the authority to undertake such advertising, H.R. 3681 provides clear and concise authority for the VA to purchase advertising to promote awareness of veterans' benefits.

HEARINGS

On April 16, 2008, the Subcommittee on Economic Opportunity held a legislative hearing on a number of bills, including H.R. 3889. The following witnesses testified: The Honorable Bob Filner of California; The Honorable Steve Buyer of Indiana; The Honorable Ciro D. Rodriguez of Texas; The Honorable Cliff Stearns of Florida; The Honorable John A. Yarmuth of Kentucky; The Honorable Robin Hayes of North Carolina; The Honorable Artur Davis of Alabama; The Honorable Patrick J. Murphy of Pennsylvania; Mr. Ronald F. Chamrin, Assistant Director, Economic Commission, The American Legion; Mr. Justin Brown, Legislative Associate, National Legislative Service, Veterans of Foreign Wars; Mr. Richard Daley, Associate Legislative Director, Paralyzed Veterans of America; Mr. Patrick M. Campbell, Legislative Director, Iraq and Afghanistan Veterans of America; Col. Robert F. Norton, USA (Ret.), Deputy Director, Government Relations, Military Officers Association of America; The Honorable Charles S. Ciccolella, Assistant Secretary, Veterans' Employment and Training Service, U.S. Department of Labor; Mr. Thomas L. Bush, Acting Deputy Assistant Secretary of Defense for Reserve Affairs, U.S. Department of Defense; Mr. Curtis L. Gilroy, Director for Accession Policy, Office of the Under Secretary of Defense for Personnel and Readiness, U.S. Department of Defense; and Mr. Keith Pedigo, Associate Deputy Under Secretary, Policy and Program Management, U.S. Department of Veterans Affairs, accompanied by Mr. John Brizzi, Staff Attorney, Office of General Counsel, U.S. Department of Veterans Affairs. Those submitting statements for the record included: Mr. Jot D. Carpenter

Jr., Vice President, Government Affairs, CTIA—The Wireless Association; Mr. Kerry Baker, Associate National Legislative Director, Disabled American Veterans; and, Mr. Kyle McSlarrow, President and Chief Executive Officer, National Cable and Telecommunications Association.

COMMITTEE CONSIDERATION

On April 23, 2008, the Subcommittee on Economic Opportunity met in open markup session and ordered favorably forwarded to the full Committee H.R. 3681, without amendment, by voice vote.

On April 30, 2008, the full Committee met in open markup session, a quorum being present, and ordered H.R. 3681, as amended, favorably reported to the House of Representatives, by voice vote. During consideration of the bill the following amendments were considered:

A perfecting amendment by Mr. Buyer of Indiana to the amendment offered by Mr. Walz of Minnesota to include a non-exhaustive list of veterans benefits and assistance offered by the VA that the VA may advertise, including homeless veterans programs, promotion of veteran-owned small businesses, opportunities for employment in the VA, opportunities for education, training, compensation, pension, vocational rehabilitation, healthcare benefits, and suicide prevention among the veteran population, was agreed to by voice vote.

An amendment by Mr. Walz of Minnesota to include "promoting awareness of assistance provided by the Secretary to prevent suicide among veterans," was agreed to by voice vote after the Committee agreed to the perfecting amendment offered by Mr. Buyer of Indiana.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report the legislation and amendments thereto. There were no record votes taken on amendments or in connection with ordering H.R. 3681 reported to the House. A motion by Mr. Buyer of Indiana to order H.R. 3681, as amended, reported favorably to the House of Representatives was agreed to by voice vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 3681 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 3681 prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate for H.R. 3681 provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 13, 2008.

Honorable BOB FILNER,
Chairman Committee on Veterans' Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3681, the Veterans Benefits Awareness Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Dwayne M. Wright.

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag).

Enclosure

H.R. 3681—Veterans Benefits Awareness Act of 2007

H.R. 3681 would clarify that the Department of Veterans Affairs (VA) has the authority to advertise in the national media for the purposes of promoting awareness of VA programs to prevent suicide and provide other benefits.

VA reports that it currently has authority to advertise in the national media but uses it rarely. Therefore, CBO estimates that implementing H.R. 3681 would have no effect on the federal budget.

H.R. 3681 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Dwayne M. Wright. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 3681 prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 3681.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for H.R. 3681 is provided by Article I, section 8 of the Constitution of the United States.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section would provide the short title of H.R. 3681 as the "Veterans Benefits Awareness Act of 2008."

Section 2. Authority of Secretary of Veterans Affairs to advertise to promote awareness of benefits under laws administered by the Secretary

This section would amend section 532 of title 38, United States Code to provide the Secretary of Veterans Affairs with the authority to advertise in national media outlets for the purpose of promoting awareness of benefits under laws administered by the Secretary.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

TITLE 38, UNITED STATES CODE

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PART I—GENERAL PROVISIONS

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CHAPTER 5—AUTHORITY AND DUTIES OF THE SECRETARY

SUBCHAPTER I—GENERAL AUTHORITIES

Sec.
501. Rules and regulations.

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SUBCHAPTER II—SPECIFIED FUNCTIONS

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532. Authority to advertise in national media.

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