

AMENDING TITLE 38, UNITED STATES CODE, TO RECOGNIZE THE SERVICE
 IN THE RESERVE COMPONENTS OF CERTAIN PERSONS BY HONORING
 THEM WITH STATUS AS VETERANS UNDER LAW

OCTOBER 5, 2011.—Committed to the Committee of the Whole House on the State
 of the Union and ordered to be printed

Mr. MILLER of Florida, from the Committee on Veterans' Affairs,
 submitted the following

R E P O R T

[To accompany H.R. 1025]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 1025) to amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 1025 was introduced on March 10, 2011, by Representative Timothy Walz of Minnesota. H.R. 1025 amends title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law. H.R. 1025 would honor with the title of “veteran” any person entitled to retired pay for nonregular (reserve) service or, but for age, would be so entitled.

BACKGROUND AND NEED FOR LEGISLATION

The National Guard and Reserve Component of the United States Armed Forces perform an invaluable role and are an important part of our overall force structure. They support the active duty component of the United States military by responding in times of national emergency, ready to be called to active-duty service in times of need.

Section 101(2) of title 38, United States Code, defines a “veteran” to mean “a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.” Generally, persons not meeting that definition are ineligible for the full range of rights and benefits extended under the law.

Speaking on behalf of H.R. 1025, the bill’s sponsor, Representative Walz of Minnesota, commented at several Committee hearings that the failure to recognize those who have served 20 or more years in the Reserve and National Guard as “veterans” represents a gross injustice. He then pointed out that National Guard and Reserve members who completed 20 or more years of service wore the same uniform as active-duty servicemembers, were subject to the same code of military justice, received the same training, and were available for call-up to active-duty service at any time.

H.R. 1025 would confer honorary veteran status on those individuals who are entitled under chapter 1223 of title 10, United States Code, to retired pay for nonregular service or who would be entitled to retired pay, but for age. Further, H.R. 1025 would ensure that those who receive the honorary recognition as “veterans” conferred in the bill would not be entitled to any benefit by reason of such recognition.

HEARINGS

On July 7, 2011, the Subcommittee on Disability Assistance and Memorial Affairs conducted a legislative hearing on various bills introduced during the 112th Congress, including: H.R. 923, H.R. 1025, H.R. 1826, H.R. 1898, and H.R. 2349. The following witnesses testified: Mr. Raymond Kelley, Director, National Legislative Service of the Veterans of Foreign Wars of the United States; Mr. Ian de Planque, Deputy Director, National Legislative Commission of The American Legion; Mr. Jeffrey C. Hall, Assistant National Legislative Director, Disabled American Veterans; Mr. Al Garver, Executive Director of the Enlisted Association of the National Guard of the United States; Mr. Jimmy F. Sims, Jr., Rating Veteran Service Representative and American Federation of Government Employees Local 1738 Steward of the Veterans Benefits Administration Regional Office, Winston-Salem, NC; Mr. Richard

Paul Cohen, Esq., Executive Director of the National Organization of Veterans' Advocates, Inc.; and Mr. Thomas Murphy, Director of the Compensation Service, Veterans Benefits Administration of the U.S. Department of Veterans Affairs, accompanied by Mr. Richard J. Hipolita, Assistant General Counsel, Office of General Counsel of the U.S. Department of Veterans Affairs. The Paralyzed Veterans of America, and the Reserve Officers Association of the United States and Reserve Enlisted Association of the United States submitted statements for the record.

SUBCOMMITTEE CONSIDERATION

On July 22, 2011, the Subcommittee on Disability Assistance and Memorial Affairs met in an open markup session and ordered favorably forwarded to the full Committee, H.R. 1025, by voice vote.

COMMITTEE CONSIDERATION

On September 8, 2011, the full Committee met in an open markup session, a quorum being present, and ordered H.R. 1025 reported favorably to the House of Representatives, by voice vote.

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 recorded votes taken on amendments or in connection with ordering H.R. 1025, reported to the House. A motion by Ranking Member Bob Filner of California to order H.R. 1025, 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. 1025 does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 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. 1025 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. 1025 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, September 16, 2011.

Hon. JEFF MILLER,
*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. 1025, a bill to amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 1025—A bill to amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law

H.R. 1025 would grant the status of honorary veteran to certain retired reservists. Individuals who served at least 20 years in the reserves, are under age 60, and were never called to active duty would be eligible for this honorary status. Under H.R. 1025, those honorary veterans would not be eligible for additional benefits from the Department of Veterans Affairs based on this new status. Thus, CBO estimates that the bill would have no budgetary impact.

Enacting H.R. 1025 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 1025 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. The 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. 1025 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. 1025.

STATEMENT OF CONSTITUTIONAL AUTHORITY

Pursuant to Article I, section 8 of the United States Constitution, the reported bill is authorized by Congress' power to "provide for the common Defense and general Welfare 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. Provision of status under law by honoring certain members of the reserve components as veterans

This section would give the honorary title of "veteran" to persons who have retired from the reserve force or who, but for age, would otherwise be entitled. This section would not entitle these individuals to any benefits.

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

* * * * *

PART I—GENERAL PROVISIONS

* * * * *

CHAPTER 1—GENERAL

Sec.

101. Definitions.

* * * * *

107A. *Honoring as veterans certain persons who performed service in the reserve components.*

* * * * *

§107A. Honoring as veterans certain persons who performed service in the reserve components

Any person who is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this section.

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