AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

114TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
114–263

GOLD STAR FATHERS ACT OF 2015

SEPTEMBER 18, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. CHAFFETZ, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

[To accompany S. 136]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (S. 136) to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

CONTENTS

	Page
Committee Statement and Views	2
Section-by-Section	3
Explanation of Amendments	3
Committee Consideration	3
Roll Call Votes	3
Application of Law to the Legislative Branch	3
Statement of Oversight Findings and Recommendations of the Committee	4
Statement of General Performance Goals and Objectives	4
Duplication of Federal Programs	4
Disclosure of Directed Rule Makings	4
Federal Advisory Committee Act	4
Unfunded Mandate Statement	4
Earmark Identification	4
Committee Estimate	4
Budget Authority and Congressional Budget Office Cost Estimate	5
Changes in Existing Law Made by the Bill as Reported	5

COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

The Gold Star Fathers Act of 2015, S. 136, would extend to fathers federal hiring preferences available to mothers of certain permanently disabled or deceased veterans.

BACKGROUND AND NEED FOR LEGISLATION

Under current law, mothers of certain permanently disabled or deceased veterans receive preference in appointments for civil service positions if such mothers are widowed, divorced, or separated or if the husband of such mother is totally or permanently disabled.

S. 136 provides that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans in order to receive treatment as preference eligible in civil service appointments.

Finally, S. 136 also extends preference in appointments to parents who never married along with those that are widowed, divorced or legally separated.

LEGISLATIVE HISTORY

S. 136, Gold Star Fathers Act of 2015, was introduced on January 8, 2015, by Sen. Ron Wyden (D–OR) and referred to the Senate Committee on Homeland Security and Governmental Affairs. On March 4, 2015, the Senate Committee on Homeland Security and Governmental Affairs ordered S. 136 reported favorably, without amendment. On May 11, 2015, S. 136 passed the Senate without amendment by Unanimous Consent. On May 12, 2015, S. 136 was referred to the Committee on Oversight and Government Reform. Similar legislation, H.R. 1222, was introduced on March 3, 2015, by Rep. Elizabeth H. Esty (D–CT), and referred to the Committee on Oversight and Government Reform.

The legislation has passed the Senate on two prior occasions: in the 113th Congress (S. 2323) and in the 111th Congress (S. 3650).

In the 113th Congress, the Gold Star Fathers Act of 2014, S. 2323, was introduced by Sen. Sherrod Brown (D–OH) on May 13, 2014, and referred to the Senate Committee on Homeland Security and Governmental Affairs. S. 2323 was reported by the Senate Committee on Homeland Security and Governmental Affairs, without amendment, on August 26, 2014. On September 10, 2014, S. 2323 passed the Senate by Unanimous Consent. The bill was referred to the Committee on Oversight and Government Reform on September 11, 2014. Similar legislation, H.R. 1832, was introduced by Rep. Timothy H. Bishop (D–NY), on May 6, 2014, and referred to the Committee on Oversight and Government Reform.

In the 112th Congress, the Gold Star Fathers Act of 2011, S. 514, was introduced by Sen. Ron Wyden (D–OR) on March 8, 2011, and referred to the Senate Committee on Homeland Security and Governmental Affairs. Similar legislation, H.R. 4312, was introduced by Rep. Timothy H. Bishop and referred to the Committee on Oversight and Government Reform.

In the 111th Congress, the Jessica Ann Ellis Gold Star Fathers Act of 2010, S. 3650, was introduced by Sen. Ron Wyden (D–OR) and referred to the Senate Committee on Homeland Security and

Governmental Affairs. The bill was reported by the Committee on Homeland Security and Governmental Affairs on November 18, 2010, without amendment, and passed the Senate with amendments on November 19, 2010. S. 3650 was referred to the Committee on Oversight and Government Reform on November 29, 2010.

SECTION-BY-SECTION

Section 1. Short title

Designates the short title of the bill as the "Gold Star Fathers Act of 2015".

Section 2. Preference eligible treatment for fathers of certain permanently disabled or deceased veterans

This section amends title 5 of the United States Code sections 2108(3)(F) and (G) to establish that the mothers and fathers of certain deceased and totally disabled veterans may be eligible for preference in civil service hiring if certain conditions are met. It also amends these paragraphs to extend the preference to a parent who was never married.

This section modifies title 5 of the United States Code sections 2108(3)(F) and (G) by amending the phrase "the mother of an individual" to "the parent of an individual" and the phrase "her husband" to "the spouse of that parent".

Section 3. Effective date

This section provides that the amendments made by S. 136 will take effect 90 days after the date of enactment.

EXPLANATION OF AMENDMENTS

No amendments were offered during Full Committee consideration of S. 136.

COMMITTEE CONSIDERATION

On July 22, 2015, the Committee met in open session and ordered reported favorably the bill, S. 136, by voice vote, a quorum being present.

ROLL CALL VOTES

No recorded votes were taken during Full Committee consideration of S. 136.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill extends preference in civil service appointments to fathers of certain permanently disabled or deceased veterans. As such this bill does not relate to employment or access to public services and accommodations.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

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 goal or objective of the bill is to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service.

DUPLICATION OF FEDERAL PROGRAMS

No provision of this bill establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting this bill does not direct the completion of any specific rule makings within the meaning of 5 U.S.C. § 551.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104–4) requires a statement as to whether the provisions of the reported include unfunded mandates. In compliance with this requirement, the Committee has received a letter from the Congressional Budget Office included herein.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

COMMITTEE ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report

a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of Congressional Budget Office:

S. 136—Gold Star Fathers Act of 2015

S. 136 would expand preferred eligibility for federal jobs to the fathers of certain permanently disabled or deceased veterans. CBO estimates that implementing the legislation would not have a significant effect on the federal budget. Enacting S. 136 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Under current law, mothers of certain veterans are eligible to claim preferences for civil service positions if their children are permanently disabled or deceased. S. 136 would expand that preference to include such veterans' fathers. We estimate that the legislation would not have a significant budgetary effect because, while it would expand the pool of people eligible for federal job preferences, it would not change the total number of federal jobs available or the salaries paid to federal employees.

S. 136 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.

On March 11, 2015, CBO transmitted a cost estimate for S. 136 as ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on March 4, 2015. The two versions of the legislation are identical, and the CBO cost estimates are the same.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.

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 (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

* * * * * * *

PART III—EMPLOYEES

* * * * * * *

SUBPART A—GENERAL PROVISIONS

* * * * * * *

CHAPTER 21—DEFINITIONS

* * * * * * *

§ 2108. Veteran; disabled veteran; preference eligible

For the purpose of this title—

(1) "veteran" means an individual who—

(A) served on active duty in the armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during the period beginning April 28, 1952, and ending July 1, 1955;

(B) served on active duty as defined by section 101(21) of title 38 at any time in the armed forces for a period of more than 180 consecutive days any part of which occurred after January 31, 1955, and before October 15, 1976, not including service under section 12103(d) of title 10 pursuant to an enlistment in the Army National Guard or the Air National Guard or as a Reserve for service in the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve;

(C) served on active duty as defined by section 101(21) of title 38 in the armed forces during the period beginning on August 2, 1990, and ending on January 2, 1992; or

(D) served on active duty as defined by section 101(21) of title 38 at any time in the armed forces for a period of more than 180 consecutive days any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom;

and, except as provided under section 2108a, who has been discharged or released from active duty in the armed forces under honorable conditions;

(2) "disabled veteran" means an individual who has served on active duty in the armed forces, (except as provided under section 2108a) has been separated therefrom under honorable conditions, and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the Department of Veterans Affairs or a military department;

(3) "preference eligible" means, except as provided in paragraph (4) of this section or section 2108a(c)—

(A) a veteran as defined by paragraph (1)(A) of this section;

(B) a veteran as defined by paragraph (1)(B), (C), or (D) of this section;

(C) a disabled veteran;

(D) the unmarried widow or widower of a veteran as defined by paragraph (1)(A) of this section;

(E) the wife or husband of a service-connected disabled veteran if the veteran has been unable to qualify for any appointment in the civil service or in the government of the District of Columbia;

[(F) the mother of an individual who lost his life under honorable conditions while serving in the armed forces during a period named by paragraph (1)(A) of this section, if—

[(i) her husband is totally and permanently disabled;

[(ii) she is widowed, divorced, or separated from the father and has not remarried; or

[(iii) she has remarried but is widowed, divorced, or legally separated from her husband when preference is claimed;

[(G) the mother of a service-connected permanently and totally disabled veteran, if—

[(i) her husband is totally and permanently disabled;

[(ii) she is widowed, divorced, or separated from the father and has not remarried; or

[(iii) she has remarried but is widowed, divorced, or legally separated from her husband when preference is claimed; and]

(F) the parent of an individual who lost his or her life under honorable conditions while serving in the armed forces during a period named by paragraph (1)(A) of this section, if—

(i) the spouse of that parent is totally and permanently disabled; or

(ii) that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse;

(G) the parent of a service-connected permanently and totally disabled veteran, if—

(i) the spouse of that parent is totally and permanently disabled; or

(ii) that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse; and

(H) a veteran who was discharged or released from a period of active duty by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10);

but does not include applicants for, or members of, the Senior Executive Service, the Defense Intelligence Senior Executive Service, the Senior Cryptologic Executive Service, or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service;

(4) except for the purposes of chapters 43 and 75 of this title, "preference eligible" does not include a retired member of the armed forces unless—

(A) the individual is a disabled veteran; or

(B) the individual retired below the rank of major or its equivalent; and

(5) "retired member of the armed forces" means a member or former member of the armed forces who is entitled, under statute, to retired, retirement, or retainer pay on account of service as a member.

* * * * * * *

○