

HONOR AMERICA'S GUARD-RESERVE RETIREES ACT

OCTOBER 21, 2015.—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. 1384]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 1384) 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. 1384, the “Honor America’s Guard-Reserve Retirees Act,” was introduced by Representative Timothy Walz of Minnesota on March 16, 2015. H.R. 1384 would provide honorary veteran status to those members of the National Guard or Reserve who have served for 20 years and do not meet the full requirements for veteran status under title 38, United States Code.

BACKGROUND AND NEED FOR LEGISLATION

The National Guard and Reserve components 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 augmenting active duty forces with both combat and combat support units and by responding in times of local and national disasters.

Section 101(2) of title 38, U.S.C., defines a “veteran” as “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.

National Guard and Reserve members who completed twenty 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 as has been demonstrated by the call up of thousands of reserve component forces during the first and second Gulf War eras. H.R. 1384 would confer honorary veteran status on those individuals who are entitled under chapter 1223 of title 10, U.S.C., to retired pay for nonregular service or who would be entitled to retired pay, but for age. Further, this legislation would ensure that those who receive the honorary recognition as “veterans” conferred in the bill would not be entitled to any benefit under the laws administered by the Secretary of Veterans Affairs solely by reason of such recognition.

HEARINGS

On June 24, 2015, the Subcommittee on Disability Assistance and Memorial Affairs conducted a legislative hearing on various bills introduced during the 114th Congress, including H.R. 1384.

The following witnesses testified:

The Honorable Bill Johnson, U.S. House of Representatives; Mr. David R. McLenachen, Acting Deputy Under Secretary for Disability Assistance, Veterans Benefits Administration, U.S. Department of Veterans Affairs; Mr. Zachary Hearn, Deputy Director for Claims, Veterans Affairs and Rehabilitation Division, The American Legion; Mr. Paul R. Varela, Assistant National Legislative Director, Disabled American Veterans; Mr. Aleks Morosky, Deputy Director, National Legislative Service, Veterans of Foreign Wars; Ms. Diane Zumatto, National Legislative Director, AMVETS; and Mr. Chris Neiweem, Legislative Associate, Iraq and Afghanistan Veterans of America.

Statements for the record were submitted by the following:

The Honorable Bob Latta, U.S. House of Representative; the Honorable Bill Shuster, U.S. House of Representatives; and, the Paralyzed Veterans of America.

SUBCOMMITTEE CONSIDERATION

On July 9, 2015, the Subcommittee on Disability Assistance and Memorial Affairs met in an open markup session, a quorum being present, and favorably forwarded H.R. 1384 to the full Committee.

COMMITTEE CONSIDERATION

On September 17, 2015, the full Committee met in an open markup session, a quorum being present, and ordered H.R. 1384 reported favorably to the House of Representatives.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded 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. 1384 reported to the House. A motion by Ranking Member Corrine Brown of Florida to report H.R. 1384 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 PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee establishes the following performance related goals and objectives for this legislation:

The Secretary will use the authority granted by this legislation to honor as a veteran, any person who served our nation and who is entitled to retired pay for nonregular service, or, but for age, would be entitled to retired pay. However, this legislation would not bestow any VA benefits on any individual who is recognized as a veteran based solely on this Act.

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. 1384 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. 1384 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. 1384 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, October 13, 2015.

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. 1384, the Honor America's Guard-Reserve Retirees Act.

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

Sincerely,

KEITH HALL.

Enclosure

H.R. 1384—Honor America's Guard-Reserve Retirees Act

H.R. 1384 would grant certain retired reservists the status of honorary veteran. Individuals who served at least 20 years in the reserves and were never called to active duty would be eligible for this honorary status. Under H.R. 1384, 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. 1384 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 1384 would not increase net direct spending or on-budget deficits more than \$5 billion in any of the four consecutive 10-year periods beginning in 2026. H.R. 1384 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 H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 1384 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. 1384.

CONSTITUTIONAL AUTHORITY STATEMENT

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.

STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to section 3(g) of H. Res. 5, 114th Cong. (2015), the Committee finds that no provision of H.R. 1384 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 RULEMAKING

Pursuant to section 3(i) of H. Res. 5, 114th Cong. (2015), the Committee estimates that H.R. 1384 contains no directed rule making that would require the Secretary to prescribe regulations.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1—Short title; table of contents

Section 1 would establish the bill's short title as the "Honor America's Guard-Retirees Act".

Section 2—Provision of status under law by honoring certain members of the reserve components as veterans

Section 2(a) would honor as a veteran any person entitled to retired pay for nonregular service or who would be entitled to retired pay, but for age.

Section 2(b) would clarify that an individual's recognition as "veteran" under this Act would not entitle that individual to VA benefits based solely on that recognition.

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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