



Legislative Bulletin.....October 28, 2013

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H.R. 3304 — To authorize and request the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor (*Deutch, D-FL*)

Order of Business: [H.R. 3304](#) is scheduled to be considered on October 28, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: [H.R. 3304](#) would authorize and request the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict.

In addition, the [National Defense Authorization Act for FY2002](#) instructs the Secretary of each military department to review the service records of each Jewish American and Hispanic American war veterans who had received the Distinguished Service Cross, the Navy Cross, or the Air Force Cross (prior to enactment of the bill) for eligibility to receive the Medal of Honor.

Additional Background: Bennie G. Adkins was drafted in 1956. After attending Airborne School, he volunteered for the Special Forces in 1961 and served with them for more than 13 years. While in Special Forces, he deployed to the Republic of Vietnam with the 5th Special Forces Group (Airborne) for three non-consecutive tours. During the early morning hours of March 10, 1966, a Viet Cong regiment attacked. Within two hours and with most of his team

wounded or killed, a wounded Adkins fought off the waves of attacking Viet Cong. His awards and decorations include the Distinguished Service Cross, the Silver Star Medal, two Bronze Star Medals, the Purple Heart with four Oak Leaf clusters, the Vietnamese Cross of Gallantry with Palm, the Vietnamese Croix de Guerre, the Combat Infantryman Badge, the Special Forces Tab, the Master Parachutist Badge, two foreign parachutist badges and 22 service medals.

On January 17, 1970, then-Specialist Four Donald Sloat, a machine gunner with Company D, 2nd Battalion, 1st Infantry Regiment, 196th Light Infantry, American Division was killed saving the lives of his squad members by drawing a grenade to his body and shielding them from the blast. For his gallantry and intrepidity, Secretary of Defense Robert Gates determined that Mr. Sloat's actions merited the Medal of Honor.

Committee Action: H.R. 3304 introduced on October 22, 2013, by Theodore Deutch. It was then referred to the House Committee on Armed Services.

Administration Position: No statement of administration position was available.

Cost to Taxpayers: There was no CBO score available at this time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Constitutional Authority: According to the sponsor, "The Congress shall have the power to make rules for the government and regulation of the land and naval forces."

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H.R. 1742 — Vulnerable Veterans Housing Reform Act of 2013 (Heck, R-NV)

Order of Business: [H.R. 1742](#) is scheduled to be considered on Monday, October 28, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: This bill excludes Department of Veterans Affairs (VA) benefits and money paid to severely disabled veterans for in-home aid and attendance due to service related disabilities from the Section 8 or public housing rental assistance eligibility or rent calculations. In addition, this bill reforms Section 8 housing law by instructing public housing authorities (PHAs) to calculate utility allowance payments based on family size instead of dwelling size, with exemptions for families with children under 18, the disabled, and the elderly. The bill also requires the Department of Housing and Urban Development to publish utility consumption data for PHAs to use in calculating costs.

Additional Background: The veteran disability benefits exempted from rental assistance eligibility and rent calculations in this bill are used to offset the costs of medical staff, services, and equipment for severely disabled veterans.

The House Committee on Financial Services conducted a hearing on related issues on September 14, 2012, in the 112th Congress entitled “Housing for Heroes: Examining How Federal Programs Can Better Serve Veterans”.

Committee Action: This bill was introduced on April 25, 2013, and referred to the House Committee on Financial Services. There was no further action on the bill.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: According to a preliminary and informal cost estimate by the Congressional Budget Office, implementing this bill will save taxpayers \$46 million from 2014-2018.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: The power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution, to make all laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other powers vested by the Constitution in the Government of the United States, or in any Department or officer thereof.” Congressman Heck’s statement in the Congressional Record can be viewed [here](#).

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H.R. 2189 — To establish a commission or task force to evaluate the backlog of disability claims of the Department of Veterans Affairs (Miller, R-FL)

Order of Business: [H.R. 2189](#) is scheduled to be considered on October 28, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: H.R. 2189 was introduced on May 23, 2013, by Representative Miller. H.R. 2189, as amended, incorporates provisions from H.R. 2138, H.R. 2382, H.R. 1623, H.R. 1805, H.R. 1759, H.R. 1824, H.R. 1809, H.R. 2423, H.R. 2341, H.R. 2086, H.R. 1494, H.R. 1288, H.R. 864 and H.R. 2185.

Title 1: Improving the claims process

- A commission or task force (composed of 15 members) would be established to conduct a comprehensive evaluation the backlog of claims at the VA as well as a study on the anticipated increase of appeals of claims.
- These remedies can be implemented or, if not, a justification to Congress must be submitted for failure to implement any plan or solution.
- The commission/task force must submit a report to Congress 60 days after the first meeting to disclose their findings, proposals and level of cooperation they have had with the Secretary.
 - They also must submit progress reports every 30 days to the President and Congress.
 - A comprehensive report is to be submitted 180 days after the first meeting detailing their findings, conclusions and recommendations.
- Additional reporting requirements
 - The Secretary of Veterans Affairs must submit a report every 120 days on the verifying that all claims were approved or denied 125 days after the submission date with 98% accuracy.
 - The Comptroller General must submit a report to Congress on the progress of improved timeliness of claims processing no later than one year after enactment.
- Priority in the claims process will be given to veterans who are older than 70, are terminally ill, have a life-threatening illness, are homeless, were awarded the Medal of Honor, are a former prisoner of war, were previously denied claims relating to military sexual trauma, or those who the Secretary determines are seriously injured. Additionally, the Secretary can establish good cause for giving priority to a veteran not fitting within the aforementioned criteria.

Title 2: Compensation and Pensions

- The VA's authority to provide medical examinations by contract physicians in claims for VA disability benefits would be extended thorough December 31, 2016.
 - This was a specific request in the VA's FY14 budget submission due to the fact that demand for VA care is rising and without it wait times would increase.
- A loophole would be closed in order to protect veterans by creating a tH.R.ee year look-back period to determine eligibility for pension benefits. This language ensures bad actors are not taking advantage of the system by simply diverting assets.

- Limitation on pensions for certain veterans covered by Medicaid plans for services provided in a nursing home would be extended from November 30, 2016, to September 30, 2018.

Title 3: Other Matters

- Requires, within one year of enactment, the Secretary of Defense to review the logs of each ship under the authority of the Secretary of the Navy that is known to have operated in the waters near Vietnam from January 9, 1963, to May 7, 1975.
 - Ships determined to have operated in territorial waters during that time would have to be reported to the Secretary of Veterans Affairs who then would make all unclassified information discovered in this section available to the public.
- Requires the Secretary of Veterans Affairs to designate at least one city in the United States each year as an “American World War II City.”
- Codifies a two minute moment of silence on Veterans Day in order to honor the service and sacrifice of veterans throughout history.

Additional Background: H.R. 2189 is a compilation of various bill introduced in the 113th Congress. Included in the bill is:

- H.R. 2189 (from which section 101 of H.R. 2189, as amended, is derived), H.R. 2138 (from which sections 102, 103, 104, and 105 of H.R. 2189, as amended, are derived), H.R. 2382 (from which section 106 of H.R. 2189, as amended, is derived), H.R. 1623 (from which section 107 of H.R. 2189, as amended, is derived), H.R. 1809 (from which section 109 of H.R. 2189, as amended, is derived), H.R. 2423 (from which section 201 of H.R. 2189, as amended, is derived), H.R. 2341 (from which section 202 of H.R. 2189, as amended, is derived), H.R. 2086 (from which section 203 of H.R. 2189, as amended, is derived), H.R. 1494 (from which section 301 of H.R. 2189, as amended, is derived), and H.R. 1288 (from which section 302 of H.R. 2189, as amended, is derived).

Committee Action: On June 28, 2013, the Subcommittee on Disability Assistance and Memorial Affairs conducted a legislative hearing on various bills introduced during the 113th Congress. This bill, as amended, was reported favorably to the full Committee by a voice vote.

On August 1, 2013, the Full Committee met in an open [markup](#) session, and ordered H.R. 2189, as amended, reported favorably to the House of Representatives by voice vote.

Possible Conservative Concerns: The bill would authorize physicians, under a contract with the Department of Veterans Affairs, to perform medical exams in any location and in any state as long as the physician is licensed by another state to practice medicine. See the below section on new state-government mandates.

Administration Position: No statement of administration position was available.

Cost to Taxpayers: [CBO](#) estimates that enacting H.R. 2189 would decrease net direct spending by \$412 million over the 2014-2018 period and by \$471 million over the 2014-2023 period.

Because enacting the legislation would affect direct spending, pay-as-you-go procedures apply. CBO also estimates that implementing H.R. 2189 would have a discretionary cost of \$126 million over the 2014-2018 period, assuming appropriation of the necessary amounts.

Does the Bill Expand the Size and Scope of the Federal Government?: No

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: The bill would authorize physicians, under a contract with the Department of Veterans Affairs, to perform medical exams in any location and in any state as long as the physician is licensed by another state to practice medicine. That provision would preempt state licensing laws and impose an intergovernmental mandate as defined in UMRA. While states could lose a small amount of revenue from fewer license fees, the bill would impose no other duty that would result in additional spending.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, “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.”

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H.R. - 2481- The Veterans Economic Opportunity Act of 2013 (*Flores- R-TX*)

Order of Business: [H.R. 2481](#) is scheduled to be considered on October 28, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary:

- This bill would establish the Veterans Economic Opportunity Administration (VEOA) which would manage the GI Bill, Home Loan Guarantee and Vocational Rehabilitations and Employment programs.
 - These programs were originally encompassed under Veterans Benefits Administration; however, due to backlogs, there has not been the time or resources available to focus on these programs.

- Because the Committee believes that these programs are generally considered as leading to increased veteran employability and success, that it would be appropriate to establish the VEOA to ensure more effective oversight.
- This bill would create a new position of Under Secretary for the Veterans Economic Opportunity who would be appointed by the President and confirmed by the Senate.
 - This position would be staffed by existing personnel resources.
- Extends the \$50 million authorization for the Homeless Veterans Reintegration Program until September 30, 2018.
- Amends eligibility for the Fry Scholarship, which provides tuition, fee payments, book stipend and monthly housing stipend, to children of servicemen who die on active duty, to include the children of veterans who have received the Purple Heart and die within 31 days of discharge.
- Increases the protections under the Service Members Civil Relief Act to cover spouses, service members serving in contingency operation, veterans who are medically discharged, and service members placed on convalescent statuses.
- Adds language to protect a service member's rights to require that if a court issues a temporary order for custodial responsibility for a child of a service member due to their deployment, the custody order immediately preceding the temporary order shall be reinstated upon the return of the service member.

Additional Background: An amendment in the nature of the substitute by Rep. Flores combined the original text of H.R. 2481 with the text of H.R. 331, H.R. 1842, H.R. 1898, H.R. 2150, H.R. 2210, as amended, and H.R. 2327, as amended.

Committee Action: On July 18, 2013, the Subcommittee on Economic Opportunity met in an open markup session and favorably forwarded to the full Committee H.R. 331, H.R. 1842, H.R. 2150, H.R. 2210, as amended, and J.R. 2481. It was passed by voice vote.

On August 1, 2013, the Full Committee on Veterans Affairs [marked-up](#) and ordered H.R. 2481, as amended, to be reported favorably to the House by voice vote.

Possible Conservative Concerns: H.R. 2481 creates a new Under Secretary position within the VA which would be responsible for programs such as the GI Bill, Home Loan Guarantee and Vocational Rehabilitations and Employment programs. Employees assigned to work with the new Under Secretary would come from existing personnel.

Administration Position: No statement of the administration position was available.

Cost to Taxpayers: According to [CBO](#), the bill would decrease direct spending by \$149 million over the 2014-2018 period and by \$120 million over the 2014-2023 period.

H.R. 2481 also would increase spending subject to appropriation, primarily by extending the authorization of appropriations for a program that serves homeless veterans. CBO estimates that implementing H.R. 2481 would have a discretionary cost of \$218 million over the 2014-2018 period, subject to appropriation of the necessary amounts.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, it would create a new position of Under Secretary for the Veterans Economic Opportunity.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: The bill would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) by adding and expanding protections for service members under the Service members Civil Relief Act (SCRA).

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, “Article I, section 8 of the Constitution of the United States.”

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H.R. 2011 – Veterans’ Advisory Committee on Education Improvement Act (Delaney, D-MD)

Order of Business: [H.R. 2011](#) is scheduled to be considered on the floor on October 28, 2013 under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: The bill reauthorizes the Veterans’ Advisory Committee on Education at the U.S. Department of Veterans Affairs (VA) until December 31, 2015. The current authorization stems from [Public Law 111-275](#) and is set to expire on December 31, 2013. This bill also modifies the composition of the Committee to include veterans of recent operations in Iraq and Afghanistan and representatives from institutions that provide vocational rehabilitation.

Additional Background: The Veterans’ Advisory Committee on Education was established in 1966 via Public Law 89-358. According to the Committee on Veterans’ Affairs, the Advisory Committee provides “education and training programs for veterans and service members, reservists and guard personnel, and for dependents of veterans.”¹

The Advisory Committee is composed of a combination of experts in the fields of education, labor, and management, and veteran representatives of the past major conflicts of the United States. The Advisory Committee is responsible for, among other things:

¹ <http://www.gpo.gov/fdsys/pkg/CRPT-113H.R.pt211/pdf/CRPT-113H.R.pt211.pdf>

- Advising the Secretary of Veterans Affairs on existing education benefit programs and services;
- Recommending needed new education benefit programs and services;
- Assisting in long-range planning and development;
- Recommending and proposing regulatory, administrative, or legislative changes

Committee Action: Representative John Delaney (D-MD) introduced H.R. 2011 on May 16, 2013, and the bill was referred to the House Committee on Veterans' Affairs. On May 31, 2013, it was referred to the Subcommittee on Economic Opportunity. Hearings were held on May 26, 2013, and a mark-up was held on July 18, 2013, which concluded with the bill being reported favorably by voice vote. The Full Committee held a mark-up on August 1, 2013, and reported the bill favorably by voice vote without amendment.

Administration Position: No Statement of Administration Policy was available at time of press.
Cost to Taxpayers: No cost estimate by the Congressional Budget Office was published at time of press. According to the Committee on Veterans Affairs, the CBO estimates that implementing H.R. 2011 would cost less than \$500,000 over the 2014-2018 period.²

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? The Bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No.

Constitutional Authority: The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 1: Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States, but All Duties, Imposts and Excises shall be uniform throughout the United States . . ." The Constitutional Authority Statement for this bill can be viewed [here](#).

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H.R. - 1405- To amend title 38, United States Code, to require the Secretary of Veterans Affairs to include an appeals form in any notice of decision issued for the denial of a benefit sought (*Titus- D-NV*)

² <http://www.gpo.gov/fdsys/pkg/CRPT-113H.R.pt211/pdf/CRPT-113H.R.pt211.pdf>

Order of Business: [H.R. 1405](#) is scheduled to be considered on October 28, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: H.R. 1405 incorporated provisions from various bills referred to the Veterans' Affairs Committee. Included in this bill:

- Requires the Secretary provide a specific Notice of Disagreement form along with any notice of decision issued for the denial of a benefit sought by a claimant.
- This bill would confer honorary veteran status to those who qualify for retired pay for nonregular service or would be entitled to retired pay, but for age. This section is referring to those who served in the Reserve and National Guard. Under current U.S. Code they are not defined as a veteran.
 - Although these individuals would be given honorary veteran status, they would not be entitled to any benefit from the Secretary of Veterans Affairs solely by reason of recognition
- Allows certain State or local government employees to access read-only information regarding the status of pending claims.
 - There have been some privacy concerns raised, but according the committee report, they would be addressed “through requirement of the veteran's written permission or power of attorney, through an employee's certification upon each access, and through required VA privacy training.”
- Section 4 of H.R. 1405 makes numerous changes to the VA's fiduciary program outlined in chapter 55 of title 38 of the US code.
 - Changes to the fiduciary program amend the Secretary's authority to appoint a temporary fiduciary, ability for a veteran to request a new fiduciary, reduces the commission rate paid to fiduciaries, and the qualification process for fiduciaries as well as oversight of fiduciaries already appointed.
- Limits are placed on awards and bonuses for fiscal years 2014-2018. No more than \$345,000,000 may be paid out during this time period.

Major Changes Since the Last Time This Legislation was Before the House: Section 2 passed the house in the 112th Congress in [H.R. 1025](#). It was agreed to on a voice vote on October 11, 2011.

Sections 3 and 4 were both passed out of the House in the 112th Congress as part of [H.R. 5948](#). This bill was agreed to by a voice vote on September 19, 2012.

Additional Background: H.R. 1405 incorporates provisions from H.R. 679, H.R. 733, and H.R. 894, as amended.

Committee Action: On April 25, 2013, the Subcommittee on Disability Assistance and Memorial Affairs met in and favorably forwarded to the full Committee H.R. 894 and H.R. 1405, as amended, by voice vote.

On May 8, 2013, the full Committee met and ordered H.R. 1405 reported favorably to the House of Representatives by voice vote.

Administration Position: No statement of the administration position was available.

Cost to Taxpayers: [CBO](#) estimates that implementing H.R. 1405 would yield net discretionary savings of \$108 million over the 2014-2018 period, assuming appropriation actions consistent with the bill

Does the Bill Expand the Size and Scope of the Federal Government?: The legislation increases the scope of the federal government by providing new oversight for fiduciary responsibilities.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, “The bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Amendment XVI, of the United State Constitution.”

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NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

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