

TO AMEND THE CHARTER OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES ORGANIZATION TO MAKE MEMBERS OF THE ARMED FORCES WHO RECEIVE SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER ELIGIBLE FOR MEMBERSHIP IN THE ORGANIZATION, AND FOR OTHER PURPOSES

JULY 12, 2002.—Referred to the House Calendar and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 3838]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3838) to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 3838 would amend the Federal charter of the Veterans of Foreign Wars (VFW).

BACKGROUND AND NEED FOR THE LEGISLATION

The charter of the VFW would be amended by H.R. 3838 to allow any member of the Armed Forces who has received hostile fire or imminent danger pay to be a member of the VFW. Currently, the language of the charter provides that the member of the Armed Forces must have served honorably and received a campaign medal for service or have served honorably for a specific period on the Korean peninsula. Without this amendment members of the Armed Forces who served under equally as dangerous conditions as those experienced in campaign medal service and Korea in conflict areas such as Somalia or Kosovo cannot be eligible for VFW membership.

The VFW charter would also be amended to include the word “charitable” as one of the purposes of the VFW. According to the VFW, its members volunteered millions of hours and gave support to local communities and the needy in the millions of dollars in 2001 and volunteerism has always been a large part of the mission of the VFW. In some States, VFW is being denied qualification as a charitable organization under section 501(c) of the Tax Code because the word “charitable” is not included in their charter language regardless of the level of charitable work that the VFW provides. The amendment would remedy that problem.

These amendments to the VFW charter reflect the language of two resolutions approved by the voting delegates of the VFW at their National Convention.

HEARINGS

No hearings were held on H.R. 3838.

COMMITTEE CONSIDERATION

On April 17, 2002, the Subcommittee on Immigration and Claims met in open session and ordered favorably reported the bill H.R. 3838, by voice vote, a quorum being present. On July 10, 2002, the Committee met in open session and ordered favorably reported the bill H.R. 3838 without amendment by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

There were no recorded votes taken on H.R. 3838.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

PERFORMANCE GOALS AND OBJECTIVES

H.R. 3838 is amended to allow veterans from any conflicts that involved hostile fire or imminent danger pay to become members of the VFW and clarifies that one of the purposes of the organization is charitable work.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 3838, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 12, 2002.

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3838, a bill to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Melissa E. Zimmerman, who can be reached at 226-2840.

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 3838—A bill to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

H.R. 3838 would make several changes to the Federal charter for the Veterans of Foreign Wars of the United States, a veterans association. These changes would confer no Federal benefits. Thus, CBO estimates that enacting this legislation would result in no cost to the Federal Government. Because H.R. 3838 would not affect direct spending or receipts, pay-as-you-go procedures would not apply. The bill 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 Melissa E. Zimmerman, who can be reached at 226–2840. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article 1, section 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

SECTION 1. AMENDMENTS TO VETERANS OF FOREIGN WARS OF THE UNITED STATES CHARTER

Section 1(a) adds a subsection to 36 U.S.C. 230103 to make membership in the VFW available to any individual who served in an area where, because they were subject to hostile fire or imminent danger as defined in 37 U.S.C. 310, they were entitled to special pay.

Section 1(b) adds the word “charitable” to the section of the VFW charter which states the purpose of the organization.

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 italics, existing law in which no change is proposed is shown in roman):

TITLE 36, UNITED STATES CODE

* * * * *

SUBTITLE II—PATRIOTIC AND NATIONAL ORGANIZATIONS

* * * * *

PART B—ORGANIZATIONS

* * * * *

CHAPTER 2301—VETERANS OF FOREIGN WARS OF THE UNITED STATES

* * * * *

§ 230102. Purposes

The purposes of the corporation are fraternal, patriotic, historical, *charitable*, and educational, and are—

(1) * * *

* * * * *

§ 230103. Membership

An individual is eligible for membership in the corporation only if the individual served honorably as a member of the Armed Forces of the United States—

(1) in a foreign war, insurrection, or expedition in service that—

(A) * * *

(B) is governed by the authorization of the award of a campaign badge by the United States Government; **[or]**

(2) on the Korean peninsula or in its territorial waters for at least 30 consecutive days, or a total of 60 days, after June 30, 1949**[.]**; *or*

(3) *in an area which entitled the individual to receive special pay for duty subject to hostile fire or imminent danger under section 310 of title 37.*

MARKUP TRANSCRIPT

BUSINESS MEETING

WEDNESDAY, JULY 10, 2002

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:17 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

Chairman SENSENBRENNER. The Committee will be in order. A working quorum is present.

It is the intention of the Chair to deal with the three veterans bills en bloc and then the two private bills en bloc before getting to the homeland security bill, H.R. 5005.

The first item on the agenda is the consideration of H.R. 3838, 3214, and 3988, which, without objection, will be considered en bloc. The Chair recognizes the gentleman from Pennsylvania, Mr. Gekas, the Chairman of the Subcommittee on Immigration, Border Security, and Claims, for a motion.

Mr. GEKAS. Mr. Chairman, the Subcommittee on Immigration, Border Security, and Claims reports favorably the bills H.R. 3838, H.R. 3214, and H.R. 3988, and moves their favorable recommendation to the full House.

Chairman SENSENBRENNER. Without objection, the bills will be considered as read and open for amendment at any point.

[The bill, H.R. 3838, follows:]

107TH CONGRESS
2D SESSION

H. R. 3838

To amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2002

Mr. SMITH of New Jersey (for himself and Mr. EVANS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AMENDMENTS TO VETERANS OF FOREIGN**
4 **WARS OF THE UNITED STATES CHARTER.**

5 (a) ELIGIBILITY FOR MEMBERSHIP OF INDIVIDUALS
6 RECEIVING SPECIAL PAY FOR DUTY SUBJECT TO HOS-

1 TITLE FIRE OR IMMINENT DANGER.—Section 230103 of
2 title 36, United States Code, is amended—

3 (1) by striking “or” at the end of paragraph
4 (1);

5 (2) by striking the period at the end of para-
6 graph (2) and inserting “; or”; and

7 (3) by adding at the end the following new
8 paragraph:

9 “(3) in an area which entitled the individual to
10 receive special pay for duty subject to hostile fire or
11 imminent danger under section 310 of title 37.”.

12 (b) CLARIFICATION OF PURPOSES OF THE CORPORA-
13 TION.—Section 230102 of such title is amended in the
14 matter preceding paragraph (1) by inserting “charitable,”
15 before “and educational,”.

○

Chairman SENSENBRENNER. The Chair recognizes the gentleman from Pennsylvania to strike the last word.

Mr. GEKAS. I thank the Chair.

These three bills attend to membership problems that have been encountered by three of our esteemed veterans organizations: the American Legion, the VFW, and AMVETS. In each case, the current language of their charters prevents veterans from succeeding conflicts or wars or battles to be eligible for respective membership in those organizations.

For instance, in the VFW problem, the veterans from the action in Somalia and Kosovo would be ineligible under the current charter language. This would cure that and mean—it would allow those which were actually conflicts and people actually died, those would be cleared up in the language of the new charter.

As to the AMVETS, which was currently—is currently restricted to American veterans of World War II, Korea, and Vietnam, the language is changed to allow people to join who had been in consequent conflicts and wars after those three. So people in Desert

Storm and Desert Shield, for instance, otherwise ineligible, would now become eligible for the AMVETS.

In the Legion, by quirk of the current language, the people who are veterans of Desert Shield and Desert Storm again and Iraq, Bosnia, Kosovo, and Afghanistan would not be eligible to join the American Legion. This language, as we propose, would allow them to qualify for those.

I ask for unanimous approval of these three bills.

Chairman SENSENBRENNER. The gentlewoman from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Thank you very much. Let me indicate my support for these three bills, which, again, would amend the Federal charter of the American veterans of World War II under H.R. 3214, and would—World War II, Korea, and Vietnam vets, to reflect changes made at their 1998 convention, and in H.R. 3838 would amend the Federal charter of the Veterans of Foreign Wars. This legislation would allow any member of the Armed Forces who received hostile fire or imminent danger pay to be a member of the VFW. And I agree with taking them en bloc, and H.R. 3988, this bill makes a technical amendment to the membership qualifications language of the Federal charter of the American Legion. We're doing as we have been asked and reviewed, and, therefore, I ask my colleagues to unanimously support this legislation as we move forward.

Mr. COBLE. Mr. Chairman?

Chairman SENSENBRENNER. Without objection, all Members may insert opening statements in the record at this point.

Are there amendments? The gentleman from North Carolina.

Mr. COBLE. Mr. Chairman, I move to strike the last word and will not consume my 5 minutes.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. COBLE. I'd like to ask the gentleman from Pennsylvania a question, if I may.

Mr. Gekas, it is my belief that the agencies involved endorse these proposals.

Mr. GEKAS. That's correct. The individual organizations themselves approve, of course, and many of the current members approve, from what we've been able to discern, and future members, of course, would like to see—

Mr. COBLE. I thank you.

Reclaiming my time, Mr. Chairman, I'm a member of the VFW and the American Legion Post back in North Carolina, and I can't speak nationally but I know back home our post continues to suffer the loss of membership of younger members. Most of our members are—I don't mean in the geezer stage, but at least we're advancing in age, and I think—I think these proposals will address that and probably bring—why is everybody smiling when I say "geezer" and looking at me?

But I yield back, Mr. Chairman, and endorse passage.

Chairman SENSENBRENNER. Without objection, the gentleman from North Carolina's name will be stricken from the roll of geezers.

Are there amendments? [Laughter.]

Chairman SENSENBRENNER. Hearing none, the Chair notes the presence of a reporting quorum. The question occurs on the motion to report H.R. 3838, 3214, and 3988 favorably en bloc. Those in favor will say aye. Opposed, no.

The ayes appear to have it, and the motion to report favorably is adopted.

Without objection, the Chairman is authorized to move to go to conference pursuant to House rules. Without objection, the staff is directed to make any technical and conforming changes, and all Members will be given 2 days, as provided by the rules, in which to submit additional dissenting, supplemental, or minority views.

