

REPEAL OF SUNSET PROVISION FOR ADVISORY  
 COMMITTEE ON MINORITY VETERANS

JULY 24, 2008.—Committed to the Committee of the Whole House on the State of  
 the Union and ordered to be printed

Mr. FILNER, from the Committee on Veterans' Affairs,  
 submitted the following

R E P O R T

[To accompany H.R. 674]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 674) to amend title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009, 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. 674 was introduced by Representative Louis V. Gutierrez of Illinois on January 24, 2007. This legislation would repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans (ACMV) on December 31, 2009.

According to the 2000 Census, minority veterans comprise over 14 percent of the total veteran population (9.7 percent African American, 1.1 percent Asian, 0.7 percent Native American, and 0.1 percent Hawaiian/Pacific Islander<sup>1</sup>). Ensuring that compensation, health care, rehabilitation, outreach, and other benefits and programs of the Department of Veterans Affairs (VA) are fully integrated and equally available to minority veterans is the primary mission of the ACMV.

## BACKGROUND AND NEED FOR LEGISLATION

The ACMV was created in response to concerns that there was limited input and no representation in VA policies and planning for minority veterans. The ACMV was established by section 510 of Public Law 103–446, which was enacted on November 2, 1994, to support and inform the Center for Minority Veterans (CMV). The CMV replaced the Office of the Chief Minority Affairs Officer that had been created in Public Law 102–218. The ACMV is currently set to expire on December 31, 2009. Congress has extended the ACMV four previous times. H.R. 674 would provide permanent authority for the ACMV.

The 15-member ACMV is appointed by the Secretary of Veterans Affairs and is ethnically, racially, and culturally diverse. It is specifically charged to focus on Pacific Islanders, Asian, African, Hispanic/Latino and Native American veterans. ACMV members make informed judgments about the cultural, societal, and economic challenges facing minority veterans based on their review of pertinent studies and literature, site visits, and town hall meetings with minority veterans. This process results in recommendations on behalf of minority veterans to improve their access to the services and resources of the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration. The ACMV advises the Secretary of Veterans Affairs and submits an annual report to Congress outlining recommendations, concerns and observations on VA's delivery of services to minority veterans.

Since its inception in 1994, the ACMV has made a number of critical observations documented in its annual reports to VA and Congress. The ACMV identified these concerns during site visits to locations such as Los Angeles, California and Anchorage, Alaska. During these visits and other meetings the ACMV identified numerous problem areas:

- Inadequate and insufficient research in health care, disability compensation, and other benefits for minority veterans;
- Insufficient ethnic representation on both the Rating Panels and the Merit Review Boards;

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<sup>1</sup>Hispanics were not considered a unique racial category in the *Vet Pop 2004* data, therefore they are already counted.

- Lack of genuine service and outreach programs to minority veterans living in rural areas, the Pacific Islands, or on reservations;
- Elimination or modification of department or regional programs without sufficient input or genuine consideration of minority veterans' needs;
- Absence of Minority Advisory Committee's ability to provide direct information and advice to Veterans Integrated Service Network (VISN) Directors and Regional Office Directors on the needs and concerns of minority veterans;
- Inadequate process to pursue aggressively alternative solutions to increase access to health services;
- Lack of definitive policies and sustaining efforts to educate VA staff regarding exceptional customer service appropriate to minority cultures;
- Absence of ethnic identifiers on VA's initial application forms;
- Exclusion of veterans' preference status in Part C, Title IV, Job Training Partnership Act; and,
- Absence of aggressive programs that take care of homeless minority veterans and provide treatment for minority veterans suffering from alcohol and drug dependencies.

The need for the ACMV was highlighted at a July 12, 2007, joint hearing of the Subcommittee on Health and the Subcommittee on Disability Assistance and Memorial Affairs of the Committee on Veterans' Affairs regarding issues facing women and minority veterans. The hearing assessed the effectiveness of VA programs in addressing the needs of special populations and heard recommendations for closing gaps and for meeting the growing challenges resulting from the increasing minority veteran population. Issues concerning military transition and homelessness; access, affordability, travel distances to health care facilities and regional offices; lack of minorities at the senior staff level, and the disparities in post-traumatic stress disorder (PTSD) compensation rates for African Americans were identified during this hearing. Also discussed at the hearing was the report of the VA's Health Services and Research Development Service entitled *Racial and Ethnic Disparities in the VA Healthcare System: A Systematic Review*. This report documented the prevalence of racial and ethnic disparities within clinical areas that resulted in poorer health outcomes; described the sources of those disparities; and, offered avenues for future research to improve equity in VA health care. Recommendations were made regarding improving outreach to minority veterans and assisting with transportation; using telehealth to reach rural areas, such as with Alaska natives and those living on the Navajo reservation; expanding equitable mental health for all generations of veterans; and, improving VA's claims assistance process and employing electronic records, and enhancing staff diversity.

At the July 31, 2007, Subcommittee on Disability Assistance and Memorial Affairs hearing, Representative Luis V. Gutierrez of Illinois submitted a statement explaining the importance of the ACMV and referred to the issues of disparate claims adjudication reported in the Chicago Sun-Times and the VA Inspector General report regarding the Chicago regional office as reasons for needing the ACMV. In discussing H.R. 674, Representative Gutierrez stated

that “[u]nfortunately, discrimination and cultural insensitivity remain problematic for minority veterans at many VA facilities.”

The Committee agrees that the ACMV will still be needed in the future. The unique concerns of minority veterans will become increasingly important over the next decade since 17 percent of the troops currently serving in Iraq and Afghanistan are African American, while 11 percent are Hispanic. The concerns of these veterans and others will not disappear on December 31, 2009—the current sunset date for the ACMV. The Committee agrees with the VA’s Health Services and Research Development Service report that specific issues of concern to minority veterans will need to be addressed further since these veterans confront the debilitating effects of PTSD and substance abuse in greater rates, and suffer from a higher incidence of homelessness, than other veterans. The ACMV found that access to health care for Native American veterans is a more common problem than in other veteran populations. In addition, access to adequate job training is difficult for many minority veterans.

In the course of the hearing on July 31, 2007, the VA testified in support of H.R. 674, stating that “ACMV’s reports and recommendations have highlighted many of the challenges confronting minority veterans, such as access to care, disparities in health care for diseases that disproportionately affect minorities, homelessness, unemployment, lack of understanding of claims process, existence of limited medical research, and statistical data related to minority veterans. The VA has accepted many of the ACMV’s recommendations and is moving forward to implement them.”

The Committee believes that the ACMV is a valuable and indispensable resource for the VA and should be made a permanent entity within the Department.

#### HEARINGS

On July 12, 2007, the Subcommittee on Health and the Subcommittee on Disability Assistance and Memorial Affairs held a joint hearing on “Issues Facing Women and Minority Veterans.”

On July 31, 2007, the Subcommittee on Disability Assistance and Memorial Affairs held a legislative hearing on a number of bills introduced in the 110th Congress, including H.R. 674. The following witnesses testified: The Honorable Nick J. Rahall II of West Virginia; The Honorable Vito Fossella of New York; Mr. Carl Blake, National Legislative Director, Paralyzed Veterans of America; Mr. Eric A. Hilleman, Deputy Director, National Legislative Service, Veterans of Foreign Wars of the United States; Mr. Robert M. Fells, General Counsel and External Chief Operating Officer, International Cemetery, Cremation and Funeral Association; Mr. Raymond C. Kelley, Legislative Director, American Veterans (AMVETS); Mr. Alec S. Petkoff, Assistant Director, Veterans Affairs and Rehabilitation Commission, The American Legion; Mr. Bradley G. Mayes, Director, Compensation and Pension Service, Veterans Benefits Administration, U.S. Department of Veterans Affairs, accompanied by Mr. Richard Hipolit, Assistant General Counsel, U.S. Department of Veterans Affairs, Ms. Lucretia McClenney, Director, Center for Minority Veterans, U.S. Department of Veterans Affairs, and Mr. Ronald E. Walters, Director, Office of Finance and Planning, National Cemetery Association, U.S. Depart-

ment of Veterans Affairs. Those submitting statements for the record included: The Honorable Luis V. Gutierrez of Illinois, and Mr. Brian Lawrence, Assistant National Legislative Director, Disabled American Veterans.

#### COMMITTEE CONSIDERATION

On July 16, 2008, the full Committee met in an open markup session, a quorum being present, and ordered H.R. 674 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 record votes taken in connection with ordering H.R. 674 reported to the House. A motion by Mr. Buyer of Indiana to order H.R. 674 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. 674 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) 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. 674 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. 674

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, July 22, 2008.*

Hon. BOB FILNER,  
*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. 674, a bill to amend title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009.

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

Sincerely,

ROBERT A. SUNSHINE  
(For Peter R. Orszag, Director).

Enclosure.

*H.R. 674—A bill to amend title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009*

The authorization for the Advisory Committee on Minority Veterans, which provides recommendations to the Congress and the Secretary of Veterans Affairs on the provision of benefits and services to minority veterans, will expire on December 31, 2009. H.R. 674 would repeal the provision of law that requires termination of the committee, thereby extending the committee's authorization indefinitely.

Based on information from the Federal Advisory Committees Database—maintained by the General Services Administration—the costs associated with staffing, travel, and administration of the Advisory Committee on Minority Veterans were about \$250,000 in 2007. Assuming a similar cost in future years, CBO estimates that implementing H.R. 674 would result in discretionary outlays of about \$1 million over the 2010–2013 period, assuming availability of appropriated funds. Enacting H.R. 674 would not affect direct spending or revenues.

H.R. 674 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.

The CBO staff contact for this estimate is Dwayne M. Wright. This estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 674 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. 674.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for H.R. 674 is provided by Article I, section 8 of the Constitution 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. Repeal of Sunset Provision for Advisory Committee on Minority Veterans*

This section amends section 544 of title 38, United States Code, to eliminate the termination date for, and make permanent, the Advisory Committee on Minority Veterans.

## 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 and existing law in which no change is proposed is shown in roman):

**TITLE 38, UNITED STATES CODE**

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**PART I—GENERAL PROVISIONS**

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**CHAPTER 5—AUTHORITY AND DUTIES OF THE SECRETARY**

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**SUBCHAPTER III—ADVISORY COMMITTEES**

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**§ 544. Advisory Committee on Minority Veterans**

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**[(e) The Committee shall cease to exist December 31, 2009.]**

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