

Calendar No. 67

114TH CONGRESS }
1st Session }

SENATE

{ REPORT
114-35

GOLD STAR FATHERS ACT OF 2015

R E P O R T

OF THE

**COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE**

TO ACCOMPANY

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



MAY 5, 2015.—Ordered to be printed

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MAY 5, 2015.—Ordered to be printed

Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 136]

The Committee on Homeland Security and Governmental Affairs, to which 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, reports favorably thereon without amendment and recommends that the bill do pass.

I. PURPOSE AND SUMMARY

Current law provides certain preferences for the mothers of permanently disabled or deceased veterans in obtaining appointment to the civil service. S. 136, the Gold Star Fathers Act of 2015, expands preferred eligibility for such civil service appointments to the fathers of these same disabled and deceased veterans.

II. BACKGROUND AND THE NEED FOR LEGISLATION

In January 1948, Congress established a hiring preference for the widowed, divorced, or legally separated mothers of veterans who died in active duty in wartime or who suffer a permanent and total disability connected to such service.¹ The committee reporting the legislation provided the following explanation:

It is the opinion of this committee that the debt of gratitude owed by the United States to the widowed mothers of ex-servicemen who lost their lives on active duty, and to the widowed mothers of ex-servicemen who are perma-

¹Public Law 80-396 (1948).

nently and totally disabled, is immeasurable, but such widowed mothers warrant the same consideration now given to wives and unmarried widows of certain ex-servicemen.²

Under current statute, mothers of certain permanently disabled or deceased veterans receive a preference in obtaining appointment to the civil service if such mothers are widowed, divorced, or separated, or also if they are married to a husband who is permanently disabled, in recognition of their sacrifice.³ The current hiring preference for mothers of deceased and permanently disabled veterans provides 10 additional points to the score of those who pass the civil service examination.⁴

Recognizing that the fathers of disabled or deceased veterans suffer a loss that warrants no less consideration than that suffered by mothers, this legislation would extend the hiring preference to fathers. The United States owes a tremendous debt of gratitude to the parents of fallen and disabled veterans.

In addition to extending the 10-point hiring preference to fathers, S.136 also extends the preference not just to widowed and divorced mothers, but also to those that are otherwise unmarried.

III. LEGISLATIVE HISTORY

Senator Wyden introduced S. 136, which was referred to the Senate Homeland Security and Governmental Affairs Committee on January 8, 2015.

The Committee considered S. 136 at a business meeting held on March 4, 2015. No amendments were offered. The Committee ordered the bill reported favorably en bloc by voice vote. Members present for the vote were: Johnson, Portman, Lankford, Ayotte, Ernst, Carper, McCaskill, Baldwin, Heitkamp, and Peters.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section provides a short title by which the bill may be cited.

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.

Section 3. Effective date

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

²Committee on Post Office and Civil Service, Report to accompany H.R. 1426, Extending Veterans' Preference Benefits to Widowed Mothers of Certain Ex-Servicemen, H.R. Rep. No. 697, 80th Congress, 1st Session (June 25, 1947).

³Public Law 81-887 (Dec. 27, 1950). The laws making mothers of veterans eligible for hiring preference have been codified at 5 U.S.C. 2108(3)(F)-(G).

⁴See U.S. Office of Personnel Management (OPM): Veterans Services, VetGuide, <http://www.opm.gov/policy-data-oversight/veterans-services/vet-guide/>, last visited April 24, 2014.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that 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.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

MARCH 11, 2015.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 136, the Gold Star Fathers Act of 2015.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

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 any significant effect on the federal budget. Enacting the bill 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 have no 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.

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

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 136 as reported, are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

PART III—EMPLOYEES

Subpart A—General Provision

CHAPTER 21—DEFINITIONS

§ 2108—Veteran; disabled veteran; preference eligible

For the purpose of this title—

(1) * * *

(2) * * *

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

(A) * * *

* * * * *

[(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 the 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 un-
married or, if married, legally separated from his or
her spouse; and*

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