


**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: July 21, 2011

TO: Honorable Members of the Information Technology and Government Affairs  
Committee

FROM: Gerry F. Miller   
Chief Legislative Analyst

Council File No: 11-0002-S107

Assignment No: 11-07-0657

SUBJECT: Resolution (Alarcón-LaBonge) to SUPPORT H.R. 210 and A.J.R. 6

CLA RECOMMENDATION: Adopt Resolution (Alarcón-LaBonge) to include in the City's 2011-2012 Legislative Program, SUPPORT for H.R. 210 (Speier) and A.J.R. 6 (Ma-Cook), which would authorize the Secretary of Veterans Affairs to deem certain service in the organized military forces of the Commonwealth of the Philippines and the Philippines Scouts eligible for certain veterans benefits AND would proclaim support by the State of California for the benefits appertaining thereto.

SUMMARY

Resolution (Alarcón-LaBonge), introduced July 6, 2011, states, in part, that Los Angeles has a vibrant and substantial Filipino community. During World War II, members of the Filipino military were drafted to serve alongside American soldiers, when the Philippines was a commonwealth of the United States, per the subject Resolution. Many Filipino soldiers risked their lives fighting on behalf of the U.S., with the understanding that as a reward for their dedicated service to the United States military, they, post-service, would have benefits comparable to American soldiers as indicated by the Resolution. The Resolution further states that due to the passage of the Recession Act of 1946, many Filipino veterans were not granted benefits such as a pension, medical care, and other rights as United States veterans, despite promises which indicated otherwise. H.R. 210 (Speier) would restore benefits such as pension, medical care, burial services, and other benefits granted to U.S. veterans and widowers of veterans, according to the Resolution. Further, the Resolution indicates that A.J.R. 6 (Ma-Cook) calls for support from the State of California for all listed benefits and privileges pertaining to H.R. 210.

BACKGROUND

On January 6, 2011, Representative Jackie Speier introduced H.R. 210, also referred to as the Filipino Veterans Fairness Act of 2011, seeking to amend title 38 of the United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the New Philippine Scouts as active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

During World War II, many Filipinos served in units in favor of the United States, some of which

came under direct control of the United States Armed Forces. Members of the Philippine Scouts, the Guerilla Services, and more than 100,000 members of the Philippine Commonwealth were called to serve the United States Armed Forces. Immediately following World War II, few Filipino veterans were granted full benefits prior to the enactment of the Recession Act of 1946 under laws administered by the Secretary of Veterans Affairs.

The Recession Act of 1946 mandated that the service performed by many Filipinos during World War II would not be recognized as "active service," thus denying them the rights, privileges, and benefits that U.S. veterans receive. Some of these benefits include health care, compensation for service-related disabilities, death pension, and full burial benefits. In addition, many Filipino veterans did not receive U.S. citizenship, contrary to promises made to them at the time of their service. However, the Immigration Act of 1990 allowed some Filipino veterans to become eligible for citizenship. The *Manila Times* reported that between 1990 and 1995, 24,000 Filipino veterans applied for naturalization, but many were still ineligible to receive veterans' benefits.

H.R. 210 proposes to amend title 38 of the United States Code which would direct the Secretary of Veterans Affairs to accept documentation such as a Certificate of Service or alternative documentation regarding related services for Filipinos who served in the organized military forces of the Philippines, which the Secretary deems relevant to determining eligibility, and would thereby qualify said persons for veterans benefits which are administered by the Secretary of Veterans Affairs.

A.J.R. 6 is a Resolution introduced in the California State Assembly, and requests that the United States Congress enact the Filipino Veterans Fairness Act of 2011 (H.R. 210). In addition to information contained in H.R. 210, A.J.R. 6 further indicates that many of the "old" or regular Philippine Scouts did receive the benefits and privileges promised by the United States. Also, A.J.R. 6 elaborates on some of the specific benefits which would be applied to Filipino veterans and widows/widowers of said veterans which include a monthly pension of \$1,500, medical care, burial services, etc.

While there is no major opposition to these bills, similar bills have been introduced in the past, but have not been adopted by Congress. Supporters of this bill state that the hesitation with passing bills similar to H.R. 210, is due to the potential costs/financial impact associated with such action. In addition, individuals and organizations who oppose this legislation believe that if said benefits are to be issued to Filipino veterans, similar "reparations" should be granted to all ethnic groups that have been disadvantaged based on U.S. law and/or policy.

The City has historically shown support for Filipino veterans' equity. In 2005, the City took a position of support for H.R. 4574 and S. 146 which would have amended the Federal veterans' benefits provisions to include certain service in the organized military forces of the Philippines and service as Philippines Scouts within the definition of active U.S. military service. The City has also supported a set of bills, H.R. 170 (2005) and S. 57 (2007), which relate to Filipino veterans benefits; therefore, support of H.R. 210 and S. 63 is consistent with previous City positions.

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BILL STATUS

1) H.R. 210

1/6/2011 Introduced  
1/6/2011 Referred to House Committee on Veterans' Affairs.  
2/18/2011 Referred to Subcommittee on Disability Assistance and Memorial Affairs

2) A.J.R. 6

2/23/2011 Introduced  
3/17/2011 Referred to the Committee on Veterans' Affairs  
4/26/2011 Adopted by the Committee on Veterans' Affairs  
5/2/2011 Adopted by Assembly  
5/2/2011 In Senate



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Chris Concepción  
Analyst

Attachment: 1. Resolution (Alarcón-LaBonge)  
2. H.R. 210 (Speier)  
3. A.J.R. 6 (Ma-Cook)

11-0002-S107

RESOLUTION

JUL 06 2011

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state, or federal governmental body or agency must first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, Los Angeles has a strong, vibrant Filipino community, with residents of Filipino decent; and

WHEREAS, during World War II, the Philippines was a commonwealth of the United States and Filipino soldiers in the US Armed Forces were, in effect, US Nationals and these soldiers fought for the United States in the Pacific theater, joining General Douglas MacArthur in depending against the invading Japanese forces; and

WHEREAS, tens of thousands of Filipino soldiers sacrificed their lives fighting on behalf of the United States Armed Forces during World War II; and

WHEREAS, the United States government promised Filipino soldiers the same health and pension benefits as American soldiers, but after World War II ended, President Truman signed Public Law 70-301, known as the Rescission Act of 1946, which states that the service of Filipinos "shall not be deemed to be or have been service in the military or national forces of the United States or any component thereof or any law of the United States conferring rights, privileges or benefits." This law spurned the Filipino veterans who had put their lives on the line on behalf of the United States; and

WHEREAS, the Rescission Act of 1946 deemed some Filipino veterans citizens, and entitled them to all benefits administered by the Department of Veterans Affairs. However, the Commonwealth Army of the Philippines, the Recognized Guerilla Forces and the New Philippine Scouts were all denied the same benefits, even though they fought side-by-side with American forces and other Filipino veterans who were later given citizenship; and

WHEREAS, House Resolution 210 (H.R. 210) the "Filipino Veterans Fairness Act of 2011 Joint Resolution" introduced by Congressman Jackie Speier aims to make up for the terrible injustice that resulted after the Rescission Act of 1946, stripping the benefits of the Filipino veterans who fought with other US Soldiers, unwaveringly, to defend the United States and put their lives on the line; and

WHEREAS, the "Filipino Veterans Fairness Act of 2011 Joint Resolution" would restore benefits to those who have been ignored and their families by reinstating the average monthly pension of \$1,500 and providing medical care, burial services and all other benefits that are right now available to "American" citizens; and

WHEREAS, "Filipino Veterans Fairness Act of 2011 Joint Resolution" would also allow for widows of those who are no longer with us to receive, for the first time, the benefits their husbands bravely earned; and

WHEREAS, Assemblymembers Fiona Ma and Paul Cook introduced Assembly Joint Resolution 6 (AJR 6) in support of the "Filipino Veterans Fairness Act of 2011 Joint Resolution" (H.R. 210);

NOW THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles includes in its 2011-2012 Federal Legislation Program SUPPORT for the "Filipino Veterans Fairness Act of 2011 Joint Resolution" (H.R. 210, Speier); and

BE IT FURTHER RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles includes in its 2011-2012 State Legislative Program SUPPORT for Assembly Joint Resolution 6 (Ma - Cook), in support of H.R. 210.

PRESENTED BY   
RICHARD ALARCÓN  
Councilmember, 7<sup>th</sup> District

SECONDED BY

ORIGINAL

112TH CONGRESS  
1ST SESSION

# H. R. 210

To amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2011

Ms. SPEIER introduced the following bill, which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

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. SHORT TITLE.**

4 This Act may be cited as the "Filipino Veterans Fair-  
5 ness Act of 2011".

1 **SEC. 2. CERTAIN SERVICE IN THE ORGANIZED MILITARY**  
2 **FORCES OF THE PHILIPPINES AND THE PHIL-**  
3 **IPPINE SCOUTS DEEMED TO BE ACTIVE**  
4 **SERVICE.**

5 (a) IN GENERAL.—Section 107 of title 38, United  
6 States Code, is amended—

7 (1) in subsection (a)—

8 (A) by striking “not” after “Army of the  
9 United States, shall”; and

10 (B) by striking “, except benefits under—  
11 ” and all that follows in that subsection and in-  
12 serting a period;

13 (2) in subsection (b)—

14 (A) by striking “not” after “Armed Forces  
15 Voluntary Recruitment Act of 1945 shall”; and

16 (B) by striking “except—” and all that fol-  
17 lows in that subsection and inserting a period;

18 (3) by amending subsection (c) to read as fol-  
19 lows:

20 “(c) DETERMINATION OF ELIGIBILITY.—

21 “(1) IN GENERAL.—In determining the eligi-  
22 bility of the service of an individual under this sec-  
23 tion, the Secretary shall take into account any alter-  
24 native documentation regarding such service, includ-  
25 ing documentation other than the Missouri List,  
26 that the Secretary determines relevant.

1           “(2) REPORT.—Not later than March 1 of each  
2 year, the Secretary shall submit to the Committees  
3 on Veterans’ Affairs of the Senate and House of  
4 Representatives a report that includes—

5                   “(A) the number of individuals applying  
6 for benefits pursuant to this section during the  
7 previous year; and

8                   “(B) the number of such individuals that  
9 the Secretary approved for benefits.”; and

10           (4) by amending subsection (d) to read as fol-  
11 lows:

12           “(d) RELATION TO FILIPINO VETERANS EQUITY  
13 COMPENSATION FUND.—Section 1002(h) of the American  
14 Recovery and Reinvestment Act of 2009 (title X of divi-  
15 sion A of Public Law 111–5; 123 Stat. 200; 38 U.S.C.  
16 107 note) shall not apply to an individual described in sub-  
17 section (a) or (b) of this section.”.

18           (b) CONFORMING AMENDMENTS.—(1) The heading  
19 of such section is amended to read as follows:

1 **“§ 107. Certain service deemed to be active service:**  
2 **service in organized military forces of the**  
3 **Philippines and in the Philippine**  
4 **Scouts”.**

5 (2) The item relating to such section in the table of  
6 sections at the beginning of chapter 1 of such title is  
7 amended to read as follows:

“107. Certain service deemed to be active service: service in organized military  
forces of the Philippines and in the Philippine Scouts.”.

8 **SEC. 3. EFFECTIVE DATE.**

9 (a) **IN GENERAL.**—The amendments made by this  
10 Act shall take effect on the date that is 90 days after the  
11 date of the enactment of this Act.

12 (b) **APPLICABILITY.**—No benefits shall accrue to any  
13 person for any period before the effective date of this Act  
14 by reason of the amendments made by this Act.

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**Assembly Joint Resolution**

**No. 6**

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**Introduced by Assembly Members Ma, Cook, and Fong  
(Coauthors: Assembly Members Eng, Furutani, Hayashi, Pan,  
Williams, and Yamada)  
(Coauthors: Senators Lieu, Liu, and Yee)**

February 23, 2011

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Assembly Joint Resolution No. 6—Relative to Filipino veterans.

LEGISLATIVE COUNSEL'S DIGEST

AJR 6, as introduced, Ma. Filipino veterans.

This measure would request that the Congress and the President of the United States enact the Filipino Veterans Fairness Act of 2011 (H.R. 210).

Fiscal committee: no.

1 WHEREAS, At the time of World War II, Filipinos, who  
2 volunteered to fight in the war, were promised full veterans'  
3 benefits by the United States Government; and  
4 WHEREAS, More than 250,000 Filipinos signed up to serve in  
5 the war in response to this promise; and  
6 WHEREAS, In 1946, President Truman signed the first  
7 Supplemental Surplus Appropriation Rescission Act (Public Law  
8 79-301) and the second Supplemental Surplus Appropriation  
9 Rescission Act (Public Law 79-391), or more commonly known  
10 as the Rescission Acts of 1946, which reneged on the promise of  
11 full veterans' benefits for Filipinos that fought as members of the  
12 military forces of the Government of the Commonwealth of the

1 Philippines, recognized guerilla forces, and the New Philippine  
2 Scouts; and

3 WHEREAS, This denied almost 250,000 Filipino soldiers the  
4 benefits they earned serving to protect the United States; and

5 WHEREAS, The “Old” or Regular Filipino Scouts were entitled  
6 to all benefits administered by the Department of Veterans Affairs,  
7 while the military forces of the Government of the Commonwealth  
8 of the Philippines, recognized guerilla forces, and the New  
9 Philippine Scouts were all denied the same benefits, even though  
10 they fought alongside the Regular Filipino Scouts; and

11 WHEREAS, Congresswoman Jackie Speier introduced the  
12 “Filipino Veterans Fairness Act of 2011” (H.R. 210) to attempt to  
13 make up for the terrible injustice that resulted after the Rescission  
14 Acts of 1946 stripped the benefits promised to, and earned by, the  
15 Filipino soldiers, guerilla forces, and citizens who fought  
16 unwaveringly for the United States, thereby earning benefits just  
17 as United States soldiers did; and

18 WHEREAS, H.R. 210 restores the average monthly pension of  
19 \$1,500, medical care, burial services, and all other benefits that  
20 are as of now deemed available only to United States citizens; and

21 WHEREAS, H.R. 210 would allow, for the first time, the  
22 widows and widowers of the Filipino veterans, who are deceased,  
23 to receive the benefits that their spouses bravely earned, but sadly,  
24 did not live to receive; and

25 WHEREAS, In 2007, the Legislature unanimously approved  
26 Senate Joint Resolution 5 requesting the Congress and the President  
27 of the United States to enact the Filipino Veterans Equity Act of  
28 2007; and

29 WHEREAS, There is a sense of urgency to pass H.R. 210  
30 because approximately 50,000 Filipino veterans are still alive, and  
31 with the passing of each day, more of these brave soldiers will  
32 become deceased; now, therefore, be it

33 *Resolved by the Assembly and the Senate of the State of*  
34 *California, jointly,* That the Legislature of the State of California  
35 respectfully requests the Congress and the President of the United  
36 States to enact the Filipino Veterans Fairness Act of 2011 (H.R.  
37 210); and be it further

38 *Resolved,* That the Chief Clerk of the Assembly transmit copies  
39 of this resolution to the President and Vice President of the United  
40 States, to the Speaker of the House of Representatives, to the

- 1 Majority Leader of the Senate, and to each Senator and
- 2 Representative from California in the Congress of the United
- 3 States.

O