

108TH CONGRESS
1ST SESSION

H. R. 2540

To require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans' names on the memorial wall of the Vietnam Veterans Memorial.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2003

Ms. MILLENDER-MCDONALD (for herself and Mr. SIMMONS) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans' names on the memorial wall of the Vietnam Veterans Memorial.

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 “Fairness to All Viet-
5 nam Veterans Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

1 (1) Public Law 96–297 (94 Stat. 827) author-
2 ized the Vietnam Veterans Memorial Fund, Inc.,
3 (the “Memorial Fund”) to construct a memorial “in
4 honor and recognition of the men and women of the
5 Armed Forces of the United States who served in
6 the Vietnam war”.

7 (2) The Memorial Fund determined that the
8 most fitting tribute to those who served in the Viet-
9 nam war would be to permanently inscribe the
10 names of the members of the Armed Forces who
11 died during the Vietnam war, or who remained miss-
12 ing at the conclusion of the war, on a memorial wall.

13 (3) The Memorial Fund relied on the Depart-
14 ment of Defense to compile the list of individuals
15 whose names would be inscribed on the memorial
16 wall and the criteria for inclusion on such list.

17 (4) The Memorial Fund established procedures
18 under which mistakes and omissions in the inscrip-
19 tion of names on the memorial wall could be cor-
20 rected.

21 (5) Under such procedures, the Department of
22 Defense established eligibility requirements that
23 must be met before the Memorial Fund will make
24 arrangements for the name of a veteran to be in-
25 scribed on the memorial wall.

1 (6) The Department of Defense determines the
2 eligibility requirements and has periodically modified
3 such requirements.

4 (7) As of February 1981, in order for the name
5 of a veteran to be eligible for inscription on the me-
6 morial wall, the veteran must have—

7 (A) died in Vietnam between November 1,
8 1955, and December 31, 1960;

9 (B) died in a specified geographic combat
10 zone on or after January 1, 1961;

11 (C) died as a result of physical wounds
12 sustained in such combat zone; or

13 (D) died while participating in, or pro-
14 viding direct support to, a combat mission im-
15 mediately en route to or returning from such
16 combat zone.

17 (8) Public Law 106–214 (114 Stat. 335) au-
18 thorizes the American Battle Monuments Commis-
19 sion to provide for the placement of a plaque within
20 the Vietnam Veterans Memorial “to honor those
21 Vietnam veterans who died after their service in the
22 Vietnam war, but as a direct result of that service,
23 and whose names are not otherwise eligible for
24 placement on the memorial wall”.

1 (9) The names of a number of veterans who
2 died during the Vietnam war are not eligible for in-
3 scription on the memorial wall or the plaque.

4 (10) Examples of such names include the
5 names of the 74 servicemembers who died aboard
6 the USS Frank E. Evans (DD-174) on June 3,
7 1969, while the ship was briefly outside the combat
8 zone participating in a training exercise.

9 **SEC. 3. STUDY AND REPORT.**

10 (a) STUDY.—The Secretary of Defense shall conduct
11 a study that—

12 (1) identifies the veterans (as defined in section
13 101(2) of title 38, United States Code) who died on
14 or after November 1, 1955, as a direct or indirect
15 result of military operations in southeast Asia and
16 whose names are not eligible for inscription on the
17 memorial wall of the Vietnam Veterans Memorial;

18 (2) evaluates the feasibility and equitability of
19 revising the eligibility requirements applicable to the
20 inscription of names on the memorial wall to be
21 more inclusive of such veterans; and

22 (3) evaluates the feasibility and equitability of
23 creating an appropriate alternative means of rec-
24 ognition for such veterans, including any such alter-

1 natives involving an education center at the Vietnam
2 Veterans Memorial.

3 (b) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Secretary of Defense
5 shall submit to Congress a report based on the study con-
6 ducted under subsection (a). Such report shall include—

7 (1) the reasons (organized by category) that the
8 names of the veterans identified under subsection
9 (a)(1) are not eligible for inscription on the memo-
10 rial wall under current eligibility requirements, and
11 the number of veterans affected in each category;

12 (2) a list of the alternative eligibility require-
13 ments considered under subsection (a)(2);

14 (3) a list of the alternative means of recognition
15 considered under subsection (a)(3); and

16 (4) the conclusions and recommendations of the
17 Secretary of Defense with regard to the feasibility
18 and equitability of each alternative considered.

19 (c) CONSULTATIONS.—In conducting the study under
20 subsection (a) and preparing the report under subsection
21 (b), the Secretary of Defense shall consult with—

22 (1) the Secretary of Veterans Affairs;

23 (2) the Secretary of the Interior;

24 (3) the Vietnam Veterans Memorial Fund, Inc.;

- 1 (4) the American Battle Monuments Commis-
- 2 sion;
- 3 (5) the Vietnam Women's Memorial, Inc.; and
- 4 (6) the National Capital Planning Commission.

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