

108TH CONGRESS  
1ST SESSION

# S. 296

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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2003

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## 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 Fallen  
5 Vietnam War Service Members Act of 2003”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

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 U.S.S. 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.

1 (b) REPORT.—Not later than one year after the date  
2 of the enactment of this Act, the Secretary of Defense  
3 shall submit to Congress a report based on the study con-  
4 ducted under subsection (a). The report shall include—

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

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

12 (3) a list of the alternative means of recognition  
13 considered under subsection (a)(3); and

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

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

20 (1) the Secretary of Veterans Affairs;

21 (2) the Secretary of the Interior;

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

23 (4) the American Battle Monuments Commis-  
24 sion;

25 (5) the Vietnam Women’s Memorial, Inc.; and

1 (6) the National Capital Planning Commission.

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