

110TH CONGRESS  
1ST SESSION

# H. R. 1172

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 HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2007

Ms. MILLENDER-MCDONALD introduced the following bill; which was referred to the Committee on Armed Services

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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 Viet-  
5       nam Veterans Act”.

1 **SEC. 2. STUDY AND REPORT ON REQUIREMENTS FOR IN-**  
2 **SCRIPTION OF VETERANS' NAMES ON MEMO-**  
3 **RIAL WALL OF VIETNAM VETERANS MEMO-**  
4 **RIAL.**

5 (a) FINDINGS.—Congress finds as follows:

6 (1) Public Law 96–297 (94 Stat. 827) author-  
7 ized the Vietnam Veterans Memorial Fund, Inc., (in  
8 this section referred to as the “Memorial Fund”) to  
9 construct a memorial “in honor and recognition of  
10 the men and women of the Armed Forces of the  
11 United States who served in the Vietnam war”.

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

18 (3) The Memorial Fund relied on the Depart-  
19 ment of Defense to compile the list of individuals  
20 whose names would be inscribed on the memorial  
21 wall and the criteria for inclusion on such list.

22 (4) The Memorial Fund established procedures  
23 under which mistakes and omissions in the inscrip-  
24 tion of names on the memorial wall could be cor-  
25 rected.

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

6           (6) The Department of Defense determines the  
7 eligibility requirements and has periodically modified  
8 such requirements.

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

12                   (A) died in Vietnam between November 1,  
13 1955, and December 31, 1960;

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

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

18                   (D) died while participating in, or pro-  
19 viding direct support to, a combat mission im-  
20 mediately en route to or returning from such  
21 combat zone.

22           (8) Public Law 106–214 (114 Stat. 335) au-  
23 thorizes the American Battle Monuments Commis-  
24 sion to provide for the placement of a plaque within  
25 the Vietnam Veterans Memorial “to honor those

1 Vietnam veterans who died after their service in the  
2 Vietnam war, but as a direct result of that service,  
3 and whose names are not otherwise eligible for  
4 placement on the memorial wall”.

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

8 (10) Examples of such names include the  
9 names of the 74 servicemembers who died aboard  
10 the U.S.S. Frank E. Evans (DD-754) on June 3,  
11 1969, while the ship was briefly outside the combat  
12 zone participating in a training exercise.

13 (b) STUDY.—The Secretary of Defense shall conduct  
14 a study that—

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

21 (2) evaluates the feasibility and equatability of  
22 revising the eligibility requirements applicable to the  
23 inscription of names on the memorial wall to be  
24 more inclusive of such veterans; and

1           (3) evaluates the feasibility and equatability of  
2           creating an appropriate alternative means of rec-  
3           ognition for such veterans, including any such alter-  
4           natives involving an education center at the Vietnam  
5           Veterans Memorial.

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

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

15           (2) a list of the alternative eligibility require-  
16           ments considered under subsection (b)(2);

17           (3) a list of the alternative means of recognition  
18           considered under subsection (b)(3); and

19           (4) the conclusions and recommendations of the  
20           Secretary of Defense with regard to the feasibility  
21           and equatability of each alternative considered.

22           (d) CONSULTATIONS.—In conducting the study under  
23           subsection (b) and preparing the report under subsection  
24           (c), the Secretary of Defense shall consult with—

25           (1) the Secretary of Veterans Affairs;

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

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