

Vietnam Veterans of America



Submitted by

**Rick Weidman
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Before the

**House Committee on Veterans' Affairs Subcommittee on Disability
Assistance and Memorial Affairs**

Regarding

**H.R. 1199, H.R. 1200, H.R. 1126, H.R. 1628, H.R. 1826, Draft
legislation and H.R. 299**

May 1, 2019

Chairwoman Luria, Ranking Member Bost, and other distinguished members of this subcommittee, Vietnam Veterans of America (VVA) thanks you for the opportunity to present our views on the seven pieces of legislation you are considering this afternoon. First, though, we want to thank you for your efforts on behalf of veterans, members of our families, and survivors.

We would like to begin with our position on the “Amendment in the Nature of a Substitute to H.R. 299.” We commend Chairman Takano and his staff for the thoroughness of their research in crafting this amendment, and for including “certain veterans who served in Korea.” However, we must take issue with the strictures this amendment would put on the enactment and implementation of H.R. 299, which VVA and the vast majority of VSOs and MSOs supported, and which passed, 482-0, in the last Congress.

As you are aware, VVA has long advocated for justice for those sailors and Marines. They never had “boots on the ground” in the former South Vietnam nor did their vessels ever ply the inland waterways of that former nation, for which more than 58,000 of their countrymen gave their life.

However, we believe that there is enough peer reviewed, replicable science to support our position. Although we acknowledge that it is difficult to argue that seawater contaminated by herbicides could impact personnel aboard ships one hundred nautical miles or so “offshore,” we do not believe it is fair or just to limit eligibility for disability compensation and other earned benefits to only those who served on vessels positioned within the “territorial waters” of Vietnam. We do not accept the theory that seawater contaminated with dioxin would not have drifted beyond the parameters defining what is “offshore.”

It is important to remember that VA summarily removed all “Blue Water Navy” from the group eligible for benefits if they had a malady or condition that had been declared “presumptive” or if the veteran could document direct evidence that a condition they suffered was “as likely as not” was caused by exposure to Agent Orange while stationed in Vietnam.

The VA never even tried to establish scientific proof that these veterans were not exposed to toxins. Nor did the VA try to discover any direct evidence from the ships used. Nor did the VA ever even try to see if there was epidemiological evidence one way or the other that the crews on the vessels stationed in the South

China Sea had a higher incidence of the presumptive conditions. This was true of each of the more than 11 individuals who served as confirmed or Acting Secretary of Veterans Affairs in the time since enactment of the Agent Orange Act of 1991, which presumed exposure for all land, sea, and air forces assigned to the Vietnam military theater of operations during the war. In other words, the VA had no real or rational justification for excluding any of the Navy veterans at the time they did so. They wanted to do so to avoid paying for just compensation, and for justly earned medical care, so they just did it.

Hence, our position is simple: If a sailor or Marine is the recipient of the Vietnam Service Medal, so should he, or she, be considered a Vietnam veteran who has earned the benefits accorded those who served in the Southeast Asia theatre of operations. This also embraces airmen and-women who served in bases in Thailand; and any of their offspring born with spina bifida. We would hope that Mr. Takano will see fit to add children of Thailand-based women veterans born with any of the afflictions embraced for those women who served boots-on-the-ground in Vietnam.

We believe also that those veterans whose claims the VA has previously rejected and whose claims will be validated with the enactment of H.R. 299, should be addressed as expeditiously as possible, as were veterans whose claims went to the top of the pile as per the Nehmer decision.

While VVA's position (based on the language in the "Agent Orange Act 1991" may be possibly broader than the bill under consideration, VVA fully and enthusiastically endorses the bill under Consideration as H.R. 299, and Mr. Takano's amendment under consideration as the best possible course of action at this time.

H.R. 1126, the Honoring Veterans' Families Act, which would authorize the VA "to provide inscriptions for spouses and [eligible dependent] children on certain headstones and markers" furnished by the VA for a veteran laid to rest in a non-VA cemetery.

This seems eminently reasonable, and VVA, therefore, supports its enactment.

H.R. 1199, the VA Website Accessibility Act of 2019. This bill would direct the VA “to conduct a study regarding the accessibility of VA websites to individuals with disabilities.” Frankly, VA should be doing these reviews regularly, without Congress having to direct them to do so.

This bill is entirely reasonable, and VVA endorses its passage. We would suggest that such a study must assemble focus groups of veterans with various disabilities to view and discuss relevant VA websites.

H.R. 1628, the Eniwetok Atoll Clean-up Radiation Study Act. This bill would direct the VA to “seek to enter into an agreement” with NASEM, the reputable National Academies of Sciences, Engineering, and Medicine, to “conduct a study on radiation exposure of the up to 557,000 military personnel relating to the clean-up of Eniwetok Atoll.”

Such a study would seek to determine the feasibility of “a revised or alternative radiation dose assessment” that “would likely yield substantively improved estimates of the radiation dose received by members of the Armed Forces who participated in the cleanup of Eniwetok Atoll” between January 1, 1977 and December 31, 1980.

If such an assessment is proved to be feasible, and if it will provide evidence that the fears of affected military veterans are in fact well-founded, VVA endorses this bill.

H.R. 1826, the Veterans Valuing Our Widows or Widowers Act, would “provide payment of Medal of Honor special pension to the surviving spouse of a deceased Medal of Honor recipient.”

The “WOW Act” would provide monthly pensions of \$1,329.58 to a surviving spouse. Although we would like to see a less complicated amount, perhaps \$1,500, we otherwise support enactment of the WOW Act.

H.R. 1200, the Veterans’ Compensation Cost-of-Living Adjustment Act of 2019.” This legislation, like its annual predecessors, would, as its title states, increase the rates of dependence and indemnity compensation for veterans with service-connected disabilities, and for their survivors.

VVA of course supports this bill. We understand the politics behind enacting such a bill every year. We view it as an unnecessary waste of time. Instead of repeating this exercise every year, we would hope that legislative leadership might see the wisdom of enacting a bill that would provide veterans with the assurance that, come every December 1, they would receive the same COLA as recipients of Social Security receive.

Draft Bill. This would have the VA establish a grant program to conduct cemetery research and produce educational materials for the Veterans Legacy Program. Pending further details, VVA endorses the intent of this legislation.

We appreciate the opportunity of expressing our views of these bills, and we would be pleased to respond to any questions any subcommittee member might care to pose. Thank you.

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VIETNAM VETERANS of AMERICA
Funding Statement

The national organization Vietnam Veterans of America (VVA) is a non-profit veteran's membership organization registered as a 501(c) (19) with the Internal Revenue Service. VVA is also appropriately registered with the Secretary of the Senate and the Clerk of the House of Representatives in compliance with the Lobbying Disclosure Act of 1995.

VVA is not currently in receipt of any federal grant or contract, other than the routine allocation of office space and associated resources in VA Regional Offices for outreach and direct services through its Veterans Benefits Program (Service Representatives). This is also true of the previous two fiscal years.

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Richard F. “Rick” Weidman is Executive Director for Policy and Government Affairs on the National Staff of Vietnam Veterans of America. As such, he is the primary spokesperson for VVA in Washington. He served as a 1-A-O Army Medical Corpsman during the Vietnam War, including service with Company C, 23rd Med, AMERICAL Division, located in I Corps of Vietnam in 1969.

Mr. Weidman was part of the staff of VVA from 1979 to 1987, serving variously as Membership Service Director, Agency Liaison, and Director of Government Relations. He left VVA to serve in the Administration of Governor Mario M. Cuomo as statewide director of veterans’ employment & training (State Veterans Programs Administrator) for the New York State Department of Labor.

He has served as Consultant on Legislative Affairs to the National Coalition for Homeless Veterans (NCHV), and served at various times on the VA Readjustment Advisory Committee, the Secretary of Labor’s Advisory Committee on Veterans Employment & Training, the President’s Committee on Employment of Persons with Disabilities - Subcommittee on Disabled Veterans, Advisory Committee on Veterans’ Entrepreneurship at the Small Business Administration, and numerous other advocacy posts. He currently serves as Chairman of the Task Force for Veterans’ Entrepreneurship, which has become the principal collective voice for veteran and disabled veteran small-business owners. In 2002 he was named as one of the most effective small business advocates in Washington by INC. magazine.

Mr. Weidman was an instructor and administrator at Johnson State College (Vermont) in the 1970s, where he was also active in community and veterans affairs. He attended Colgate University (B.A., 1967), and did graduate study at the University of Vermont.

He is married and has four children.