

VVA TSC Secretary Cheryl Van Syckle’s Report of the VVA National Convention - July 16-20, Spokane, Washington

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NOTE: All Amendments & Resolutions listed in the index below that are related to any major VVA organizational transitions or changes, such as (1) changing membership criteria, (2) changing the organization name or (3) changing/limiting the chapter delegates voting power, **are highlighted in yellow** (7 total). You may also go to the Summary section to review or print only those same 7 Amendments and Resolutions.

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Convention Agenda & Comments by Cheryl

Convention Agenda

The July 16-20, 2019 National Convention in Spokane, WA, was attended by 30 Texas Delegates. The Delegate’s had a full agenda for every day of the convention as shown in the below daily schedule.

July 16, 2019: Registration; Wreath Laying Ceremony; New Delegate Briefing; and the Welcome Home Party Supper and Show

July 17, 2019: Convention Opening Session; AVVA Luncheon; Committee hearings on Resolutions from 1:00 pm to 5:30 pm.; and Region 7 Caucus from 7:00pm to 9:30 pm.

July 18, 2019: Convention General Session started at 9:00am and ended at 3:00pm with a lunch break from 12:00pm to 1:30pm.

July 19, 2019: Women Veterans Breakfast; Voting from 9:00 -10:30 am; and Convention General Session.

July 20, 2019: Convention General Session - August 17, 2019

- Proposed Constitutional Amendments were voted on.
- Proposed Resolutions were adopted by Committees.

VVA National Officer Election Results

- National President: **John Rowan**
- National Vice President: **Tom Burke**
- National Secretary: **Bill Meeks**
- National Treasurer: **Jack McManus**

Comments by Cheryl

The Texas Delegates worked very hard. This Convention was like no other that I have attended in the past. It was very exciting, an experience of a lifetime and I was thrilled to be a part of this historic convention. I was honored and proud to work with all of the Texas Delegates. We made an awesome team! I look forward to working with the Texas Delegates again at our next meeting in Allen, Texas in October. The results of the Convention were as follows:

Respectfully,

Cheryl Van Syckle //es//

Cheryl Van Syckle

TSC Secretary, TSC Delegate

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RESULTS – 9 PROPOSED CONSTITUTIONAL AMENDMENTS

Proposed Constitutional Amendment 01 – Article 1 National Provisions - Passed

Result: Passed, un-opposed

Proposed Constitutional Amendment – 01

Submitted by:

Name: Constitution Committee

Section Affected:

Article 1 National Provisions
Section 3, paragraph A

Proposed Change: Strike the word indicated by the ~~strike through~~.

A Membership in the Corporation is open to any veteran of the military service of the United States of America, who served on active duty during the dates established by federal law for the Vietnam War, paying in advance ~~annual~~ dues set by the national board, and conforming to, and complying with, this Constitution, bylaws, and rules of the Corporation now or hereinafter in effect.

Related Articles/Sections/Paragraphs Affected:

None

Reason for Proposed Change:

Annual dues have been eliminated in favor of life memberships.

Has this amendment been endorsed by a chapter? No

Has this amendment been endorsed by a State Council? No

Has this amendment been endorsed by the Conference of State Council Presidents? No

For Constitution Committee Action Only:

Reported Out: **Yes**

Recommendation: **The committee recommends approval.**

Proposed Constitutional Amendment 02 – Article 1 National Provisions - Passed

Result: Passed, un-opposed

Proposed Constitutional Amendment – 02

Submitted by:

Name: Constitution Committee

Section Affected:

Article 1 National Provisions
Section 4 paragraph J

Proposed Change: Strike out paragraph J and insert a new paragraph J.

~~J After written recommendation from the board of directors of the Associates of Vietnam Veterans of America, Inc. (AVVA), a separate and distinct corporation not to be confused with Vietnam~~

Veterans of America, Inc., the national board shall seat an AVVA liaison to serve as a non-voting special advisor to the national board entitled to be heard on each matter brought before the national board.

J The national board shall seat the national president of the Associates of Vietnam Veterans of America, Inc. (AVVA) on the national board to serve as a non-voting special advisor entitled to be heard on each matter brought before the national board.

Related Articles/Sections/Paragraphs Affected:

None

Reason for Proposed Change:

AVVA no longer uses the term liaison and no written recommendation from the AVVA board of directors is required.

Has this amendment been endorsed by a chapter? No

Has this amendment been endorsed by a State Council? No

Has this amendment been endorsed by the Conference of State Council Presidents? No

For Constitution Committee Action Only:

Reported Out: **Yes**

Recommendation: **The committee recommends approval.**

Proposed Constitutional Amendment 03 - Article 1 National Provisions - Not Adopted

Result: Not adopted

Proposed Constitutional Amendment – 03

Submitted by:

Name: Wilbur Cockrum

Section Affected:

Article 1 National Provisions

Section 6, paragraph C 1

Proposed Change: Strike the words indicated by the ~~strike through~~ and insert the **bold underlined words**.

1 Each chapter shall be entitled to **no more than two members entitled to vote**. ~~one vote for its first twenty-five members. A chapter that has fifty members shall be entitled to a second vote at the Convention. For each full block of fifty members thereafter, the chapter shall be entitled to one additional vote.~~ In the event that a chapter shall have less than twenty-five members, the chapter shall receive no vote, but the members thereof shall be included in the number of non-affiliated members for representation by the state council, as set forth below. Chapter delegates to the convention must be selected from the chapter membership or from the membership of the state in which the chapter is located.

If adopted the paragraph will read:

1 Each chapter shall be entitled to **no more than two members entitled to vote**. In the event that a chapter shall have less than twenty-five members, the chapter shall receive no vote, but the members thereof shall be included in the number of non-affiliated members for representation by the state council, as set forth below. Chapter delegates to the convention must be selected from the chapter membership or from the membership of the state in which the chapter is located.

Related Articles/Sections/Paragraphs Affected:

None

Reason for Proposed Change:

Major cost reduction for National, States and Chapters. Less confusion on how to determine the number of voters.

Has this amendment been endorsed by a chapter? Yes

Chapter 945 Alabama

Has this amendment been endorsed by a State Council? No

Has this amendment been endorsed by the Conference of State Council Presidents? No

For Constitution Committee Action Only:

Reported Out: **Yes**

Recommendation: **The committee recommends a NO vote.**

Proposed Constitutional Amendment 04–Article 1 National Provisions (New Section 12) “Dissolution” - FAILED

Result: Failed

NOTE: Division of the House. An Amendment to the amendment was made which passed. The Amendment stated “When the National Board develops a plan for dissolution of the VVA it must be voted on by the delegates at the next National Convention.” Even with the Amendment to the Amendment the “dissolution” Amendment failed and resulted in a “Division of the house” vote – (stand and count out vote for yea and nay).

Proposed Constitutional Amendment – 04

Submitted by:

Name: Working Group 1

Section Affected:

Article 1 National Provisions

Section New Section 12

Proposed Change: Insert a new section 12 Dissolution.

SECTION 12 - DISSOLUTION

The last date for membership eligibility was May 7, 1975, and the average age of the membership is increasing. As a result, at some point in the future the Corporation will legally dissolve, either as a final involuntary action, or as a planned action associated with the transfer of assets to one or more other organizations. To successfully conduct dissolution of the Corporation well planned and timely actions will be required by the VVA National Board of Directors.

A The national board, including the officers, shall actively manage the legal dissolution of the

Corporation to include adopting, updating, and implementing a strategic plan for dissolution, and to take all actions necessary to accomplish the orderly dissolution of the Corporation.

Related Articles/Sections/Paragraphs Affected:

None

Reason for Proposed Change:

Currently the VVA Constitution is silent regarding legal dissolution of the Corporation. The purpose of this amendment is to assign responsibility to the VVA National Board of Directors, including the National Officers, to prepare for the eventual dissolution of the VVA National Corporation in a manner that will preserve the legacy of the Corporation and distribute assets to worthy organizations. Without well planned and timely actions by the VVA National Board of Directors, default dissolution actions will be determined by the State of New York without input from the VVA National Corporation.

In accordance with ARTICLE I, SECTION 3 of the VVA Constitution membership in the Corporation is open to any veteran of the military service of the United States of America who served on active duty during the dates established by federal law for the Vietnam War. The last date for membership eligibility was May 7, 1975, and as a result the membership is aging, and in 2018 the average age of VVA members was 72 years old. At some point in the not too distant future members will not be able to physically perform the tasks necessary to effectively manage the activities necessary to continue operation of the Corporation. 6

Has this amendment been endorsed by a chapter? No

Has this amendment been endorsed by a State Council? No

Has this amendment been endorsed by the Conference of State Council Presidents? No

For Constitution Committee Action Only:

Reported Out: **Yes**

Recommendation: **The Committee reports no opinion on this proposed amendment.**

**Proposed Constitutional Amendment 05 – Article 1 National Provisions
(New Section 12) - FAILED**

Result: Failed

Proposed Constitutional Amendment – 05

Submitted by:

Name: Working Group 1

Section Affected:

Article 1 National Provisions

Section New section 12

Proposed Change: Insert the **bold underlined words**.

B The Corporation shall be legally dissolved on or about December 31, 2028

Related Articles/Sections/Paragraphs Affected:

None

Reason for Proposed Change:

The VVA National Board of Directors motion in April 2017 that established Working Group I tasked Working Group I with determining “a time certain in the future” for the VVA National Corporation to “transition” (dissolve), and to communicate that time to the general membership for approval at a convention. This proposed amendment to the VVA Constitution completes that task.

Currently the VVA Constitution is silent regarding legal dissolution of the Corporation. The purpose of this amendment is to assign responsibility to the VVA National Board of Directors, including the National Officers, to prepare for the eventual dissolution of the VVA National Corporation in a manner that will preserve the legacy of the Corporation and distribute assets to worthy organizations. Without well planned and timely actions by the VVA National Board of Directors, default dissolution actions will be determined by the State of New York without input from the VVA National Corporation.

In accordance with ARTICLE I, SECTION 3 of the VVA Constitution membership in the Corporation is open to any veteran of the military service of the United States of America who served on active duty during the dates established by federal law for the Vietnam War. The last date for membership eligibility was May 7, 1975, and as a result the membership is aging, and in 2018 the average age of VVA members was 72 years old. At some point in the not too distant future members will not be able to physically perform the tasks necessary to effectively manage the activities necessary to continue operation of the Corporation.

Working Group I has observed over the course of the past two years that VVA members have become more aware of the toll that the aging process is already taking upon the ability of some members to continue activities on behalf of VVA with the same intensity as in years past. This increase in awareness at all levels is appropriate, and it points to the reality that many members are already starting to reduce their level of involvement in the VVA, generally due to health issues and decreases in individual energy levels. 8

The date proposed by Working Group I represents the working group's collective opinion that ten years from now operation of the VVA National Corporation at its current level will no longer be sustainable. The VVA National Corporation needs to acknowledge these facts and take affirmative control of its future in a manner that will lead to a timely and orderly end.

Has this amendment been endorsed by a chapter? No

Has this amendment been endorsed by a State Council? No

Has this amendment been endorsed by the Conference of State Council Presidents? No

For Constitution Committee Action Only:

Reported Out: **Yes**

Recommendation: **The Committee reports no opinion on this proposed amendment.**

Proposed Constitutional Amendment 06 - Article 2 State Provisions - FAILED

Result: Failed

Proposed Constitutional Amendment – 06

Submitted by:

Name: Wilbur Cockrum

Section Affected:

Article 2 State Provisions

Section 3, paragraph A 1

Proposed Change: Insert the **bold underlined words**.

1 The number of delegates, **two per chapter**, a system of alternate delegates, and the voting procedures of the delegates shall be established by the respective state councils, provided, however, that such rules must be uniform in fact and application, must be in compliance with this Constitution, are subject to review and modification by the national board, if the national board, in its judgement, deems a modification necessary or desirable. Any officer who is not an elected chapter delegate may be authorized voting privilege on the state council if prescribed by the state council bylaws.

Related Articles/Sections/Paragraphs Affected:

None

Reason for Proposed Change:

Provides equal representation for each chapter. Currently, one or two large chapters control all activities of a State Council. Establishment of a standard for all State Councils.

Has this amendment been endorsed by a chapter? Yes

Chapter 945 Alabama

Has this amendment been endorsed by a State Council? No

Has this amendment been endorsed by the Conference of State Council Presidents? No

For Constitution Committee Action Only:

Reported Out: Yes

Recommendation: **The committee recommends a NO vote.**

Proposed Constitutional Amendment 08 – Article 3 Chapter Provisions - Passed

Result: Passed

Proposed Constitutional Amendment – 08

Submitted by:

Name: Constitution Committee

Section Affected:

Article 3 Chapter Provisions

Section 6, paragraph A

Proposed Change: Insert the **bold underlined words**.

A The officers of a chapter shall be the president, one or more vice presidents, a secretary, a treasurer, or **any one of the following combined positions**: secretary-treasurer, **vice-president-secretary or vice-president-treasurer**, and such other officers as the chapter board may, from time

to time, deem advisable and as allowed by state law.

Related Articles/Sections/Paragraphs Affected:

None

Reason for Proposed Change:

Chapters are starting to have trouble finding members to step up and fill officer positions. If approved, and as long as there is no conflict with state law, this amendment will allow chapters more flexibility.

Has this amendment been endorsed by a chapter? No

Has this amendment been endorsed by a State Council? No

Has this amendment been endorsed by the Conference of State Council Presidents? No

For Constitution Committee Action Only:

Reported Out: **Yes**

Recommendation: **The Committee reports no opinion on this proposed amendment.**

Proposed Constitutional Amendment 09 – Article 4 General Provisions: (New DISCIPLINE Section) - Passed

Result: Passed

(Retaliation against any member, who, in good faith, files disciplinary charges; testifies or participates in disciplinary hearings; or reports actual or perceived violations of VVA policy or unlawful acts, is strictly forbidden.)

Proposed Constitutional Amendment – 09

Submitted by:

Name: Constitution Committee

Section Affected:

Article 4 General Provisions

Section 2, new paragraph B

Proposed Change: Insert the **bold underlined words.**

SECTION 2 – DISCIPLINE

A There is a National Disciplinary Policy to be followed in the event charges are filed against any member, state council, or chapter. Said policy shall provide for adequate protection of the rights of the accused party to a fair hearing, representation by counsel of his, her, or its choosing, to appeal an adverse determination before appropriate committees of the Corporation, or otherwise to present evidence on his, her, or its behalf, and to confront his, her, or its accusers. The National Disciplinary Policy and may be amended by the national board, provided however, that any such amendment by the national board before taking effect must be ratified by a majority vote of the Conference of State Council Presidents.

B Retaliation against any member, who, in good faith, files disciplinary charges; testifies or participates in disciplinary hearings; or reports actual or perceived violations of VVA policy or unlawful acts is strictly forbidden.

Related Articles/Sections/Paragraphs Affected:

None

Reason for Proposed Change:

To ensure all members of VVA are treated with respect regardless of disagreements.

Has this amendment been endorsed by a chapter? No

Has this amendment been endorsed by a State Council? No

Has this amendment been endorsed by the Conference of State Council Presidents? No

For Constitution Committee Action Only:

Reported Out: **Yes**

Recommendation: **The committee reports no opinion on this amendment.**

Proposed Constitutional Amendment 10 – Article 3 General Provisions (New Paragraph) – Out of Order

Result: Out of Order

Proposed Constitutional Amendment – 10

Submitted by:

Name: Samuel Brick

Section Affected:

Article 4 General Provisions

Section 3, new paragraph J

Proposed Change: Insert a paragraph J.

J Notwithstanding other provisions of this or any other Article of the National Constitution, its Appendices, or Resolutions, other than as delineated below, the Corporation, its national board, national officers, and/or anyone acting at their direction, or on their behalf shall not conduct, plan and/or direct any activities regarding the disposal or transfer of Corporation assets in a dissolution or proposed dissolution of the Corporation other than as indicated below. For purposes of this subsection corporate assets shall include Corporation funds, funds under the control of the Corporation or its foundations, and Corporation intellectual property to include the provision of information regarding the history of the Corporation and its beginnings, personal property, or any other thing of value. In order to facilitate the ultimate dissolution of the Corporation, its corporate body shall:

1 Encourage regional bodies as delineated in the first section of Appendix I to reform into new regional nonprofit corporations under such geographic regions as they determine appropriate. Such newly-formed regional bodies could vary from Appendix 1 descriptions under Section 4 B 2 if the National Board and Conference of State Council Presidents in consultation with the regions concerned determine it appropriate. The newly-formed regional bodies for Corporation funding and assistance must state as their corporate purpose the protection of the legacy of Vietnam veterans and the assistance and care of Vietnam veterans and their spouses. After the Regional bodies determine it appropriate, these bodies could assist or help other veterans.

2 Fund such regional corporations as formed pursuant to Paragraph 1 and encourage state chapters and councils to join in funding regional plans. The Corporation also shall assist such regional corporations in obtaining funding through donations or corporate financial programs so that the regional corporations achieve an ultimate honorable and meaningful dissolution that memorializes the Vietnam-era veterans' history and provides help and comfort to Vietnam-era veterans and their spouses.

3 Plan and present to the Corporation membership for adoption at the first Membership Convention after the adoption of this provision a reformed corporate structure with the purpose of working with the newly-formed regional bodies, state councils, and chartered chapters in order to facilitate the ultimate 14

Corporation dissolution as specified by its Articles of Incorporation. Such plan shall consider for efficiency and cost savings the elimination of At-Large directors of the National Board and the progressive reduction of corporate committees, corporation travel expenses, and the size of corporation paid staff.

Related Articles/Sections/Paragraphs Affected:

None

Reason for Proposed Change:

Section XI of the Corporation's Articles of Incorporation state that the Corporation shall not possess or exercise any power or authority either expressly, by interpretation, or by operation of law that will prevent it from qualifying and continuing to qualify as an exempt corporation under 501(c)(19) or 170(c)(3) of the IRS. It further states the Corporation shall not engage directly or indirectly in any activity which would cause the loss of such qualification. IRS 170(c)(3) relates to organizations that have a 90% membership of "war veterans". It also includes as war veterans Korean and Vietnam-era war veterans but does not include combat veterans such as veterans of recent armed conflicts in the Middle East and Afghanistan.

The very youngest veterans of the Vietnam Era may live for 30 more years but only 15-20 years with the capacity to run our organization. During this time we want a corporation born of us to maintain our legacy and provide assistance to veterans to the greatest extent possible. When finally, unable to function as a viable corporation, we want to be able to pass our assets and legacy to an organization that we know will support our accomplishments, activities, and legacy in perpetuity.

Our motto that never again will one generation of veterans abandon another works both ways. We do help other veterans but, as it was when we returned from the jungles, it is a rare occasion when we find the comfort we need in our dotage from other veterans. The VVA is a corporation with ties through geographic regions to state council corporations and chapters, each being stand-alone corporations in their own right. It ties itself to these corporate bodies through an IRS umbrella for non-profit status, membership management, and with promised benefits. Donations made to the VVA are with expectations that they will benefit Vietnam-era veterans. There is no prohibition from the Corporation assisting groups of Veterans in areas of employment, education, training, outreach, and counseling. This amendment provides a step so that the newly-formed corporate regions in the down-sizing and dissolution of the Corporation can act to protect the legacy of the Vietnam Veteran

as we know it, provide for assistance and comfort for Vietnam Veterans and their spouses in their later years, and finally after we are gone to aid and comfort other veterans. This would leave the closing down of our corporate body to all our members to include the state councils and chapters rather than just a corporate board.

Has this amendment been endorsed by a chapter? Yes
Chapters 303, 644, 828, 925, 960, 1049 15

Has this amendment been endorsed by a State Council? Yes
South Carolina

Has this amendment been endorsed by the Conference of State Council Presidents? No

For Constitution Committee Action Only:

Reported Out: **Yes**

Recommendation: **The Committee reports no opinion on this proposed amendment.**

RESULTS – 22 PROPOSED RESOLUTIONS ADOPTED BY COMMITTEES

Adopted by the Agent Orange Committee: 2 passed

A09 Industrial manufacturing processes, including papermaking – passed

History:

First adopted in 1995 as AO-10-95

Amended in 1997 as AO-10-97

Amended in 1999 as AO-10-99

Renumbered in 2003 as AO-9-03

Renumbered in 2011 as AO-9

Amended in 2019

Issue: The lessons learned on the harmful effects of dioxin exposure on the health of Vietnam veterans and their descendants, as well as the overall environmental damage caused by these and like toxins. It is of extreme importance and urgency that VVA promote and foster the elimination of all dioxins, all other endocrine disruptors, and all other toxic substances created in the industrial manufacturing products and processes, including papermaking.

Background: The use of chlorine in the papermaking industry's bleaching processes has been proven to create Dioxins, which are released into the environment. In recent years, concerned with their role and their responsibility to help protect the environment, a segment of the papermaking industry has worked to develop and market chlorine-free paper.

For nearly 25 years, VVA has promoted the elimination of chlorine use in the bleaching process of papermaking. This process was proven to create dioxin, the deadly toxicant, which can be eliminated from paper products by utilizing one of two methods: "elemental chlorine free" that utilizes chlorine

dioxide in the bleaching process but does not contribute to creating dioxin as a byproduct; or “Total Chlorine-free” bleach processes that do not use any chlorine compounds in the manufacturing processes.

Endocrine disrupters interfere with the normal function of human hormones. These substances increase production of certain hormones and decrease production of others. Ubiquitous in our everyday lives, these substances are found in common household items such as plastic goods, personal-care products, fragrances, food, and food packaging, and even in our drinking tap water. Studies have linked endocrine disrupters to cancers, lowered sperm count, lowered IQ, thyroid disease, birth defects, and other developmental disorders. Obviously, having Vietnam veterans and their descendants exposed to these substances, in addition to their dioxin exposure through Agent Orange, can only worsen a grave situation. Many endocrine disrupters are created by manufacturing processes that can be changed or altered to eliminate these hazards.

Everyday other horrific elements are created by industrial manufacturing processes that are then passed on to humans in the products themselves or in the hazardous byproducts of these processes. The most common endocrine disrupters that need to be eliminated are Bisphenol A (BPA), Phthalates, PFAS chemicals, Atrazine, flame retardants, and perchlorate. Other toxic substances which damage human health and the environment that came from manufacturing processes are lead, arsenic, mercury, PFC's, glycol ethers, and organophosphate pesticides.

Resolved, That: Vietnam Veterans of America should make every effort to stop all industrial manufacturing processes, including papermaking, that create dioxin, endocrine disrupters, or any other toxic element that could further damage the health of Vietnam veterans or their descendants, or the health and environment experienced by the general population.

A10 Ban the Manufacturing, Sale and/or use of 2,4-D and Gyphosate – Passed

History:

First adopted in 1995 as AO-11-95

Amended in 1999 as AO-11-99

Renumbered in 2003 as AO-10-03

Renumbered in 2011 as AO-10

Amended in 2019

Issue: For at least fifty years, the Department of Defense has intentionally exposed military personnel to potentially dangerous substances, often in secret. During the war in Vietnam when herbicides were used to defoliate dense jungle, our service members were not aware of the toxicity of the chemicals used. As a result of the service members' exposure to 2,4-D in Vietnam, veterans are being diagnosed twenty years later with rare cancers, sarcomas, immune deficiencies and Central Nervous System disorders. Children of exposed veterans are born with learning disabilities, birth defects and deficiencies. Today, herbicide 2,4-D is being used for weed control across the United States; at National Cemeteries, schoolyards, golf courses and hospitals. Utility companies, the Department of Transportation, and railroads use it. Additionally, farmers are using 2,4-D, which in turn is contaminating food crops, cattle, pigs, chickens, etc. In addition, 2,4-D is being used to eliminate the growth of plant life in our lakes, thereby contaminating our freshwater wildlife. Over 250,000 veterans have died from diseases their exposure to Agent Orange/Dioxin, and that number climbs every day. The continued use of 2,4-D today further exposes our families to the same

chemical veterans were exposed to in Vietnam. This exposure jeopardizes the health of our families and future generations, making them susceptible to the same diseases from which our veterans are dying.

Long-simmering debate about whether the world's most widely used herbicide causes cancer has led many scientists to suggest that people exposed to large doses of the chemical glyphosate have a heightened risk of Non-Hodgkin's Lymphoma (NHL), a type of cancer. Certain scientific teams have concluded in their meta-analyses studies that people exposed to glyphosate-based weed killers have a 41 percent higher risk of contracting NHL than people who aren't a measure known as "relative risk," in epidemiology.

The product "Roundup™" and several other widely used herbicide products are heavily utilized in the agricultural, forestry, aquaculture, utility, and consumer-product industries. These products contain glyphosate as the key chemical component that has been found in lab settings to harm a cell's DNA and thus potentially cause cancer, in a manner also called genotoxicity. Further, scientists have found sufficient data to conclude glyphosate is a rodent carcinogen and suggestive evidence of positive association between NHL and exposure.

Background: Vietnam veterans are acutely aware of the deadly consequences of exposure to 2,4-D. Health and Welfare Canada and the United States Environmental Protection Agency have identified at least four different isomers of Dioxin as contaminants in 2,4-D. These dioxins include the 2, 3, 7, 8-TCDD isomer, which is the most deadly poison known to man. Dioxin is contaminating the food chain which results in the compromising of the immune system of all Americans. Even more ludicrous, 2, 4-D is being used at national cemeteries, which shows the government's insensitivity to victims that have died of dioxin-related cancers.

Studies concluded that people exposed to glyphosate have a "Compelling Link" to NHL, a cancer. The use of this chemical continues unabated, with use less than 25 million pounds of the stuff used in 1992 and growing to over 300 million pounds in the U.S. agriculture sector alone. Juries have found that glyphosate exposure in "Roundup™" was a "substantial factor" in causing NHL with plaintiffs' suits in recent court cases.

The recent huge jury and courts liability and damages awards appear to be from "bellwether trials" of the hundreds of "Roundup™" lawsuits already filed.

Resolved, that: Vietnam Veterans of America will seek legislation and administrative action to ban the manufacture, sale, and use of 2,4-D and glyphosate worldwide.

1. VVA will take all steps necessary to promote legislation to carry out this action; and
2. VVA encourages its membership through the chapters and state councils to work with Congressional representatives and state legislators to obtain their support to ban the manufacturing, sale, and use of 2, 4-D and glyphosate worldwide.

Adopted by the Government Affairs Committee: 1 moot, 1 failed, 2 passed

GA-XX - Create a New Veterans Organization of Post-Vietnam Veterans - Moot

G-21 Title Was: Changing the name of Vietnam Veterans of America

Result: MOOT - Moved to Membership Committee

GA-18 Veterans Creed - Failed

Issue: Helping prepare Veterans for productive civilian lives.

Background: The Veterans Creed is the result of extensive discussions among veterans groups. It is meant to inspire veterans to continue to serve and lead in their communities and our country, and to continue to make a difference in our world. Each element of the Creed is rooted in shared military tenets, the missions of participating veteran and military service organizations, and in the altruistic ethos of veterans themselves. It is also meant to remind Americans that the principles and values veterans learned in the military - integrity, leadership, teamwork, selfless service - can greatly benefit our country.

It was adopted at the Reserve Officers Association headquarters at 1 Constitution Avenue, NE, Washington, DC on Flag Day, 14 Jun 2018. The following organizations were involved with the development of the Veterans Creed: VFW, AMVETS, DAV, Hill Vets, and IAVA. MOPH, PVA, Team Rubicon Gold and Wounded Warrior Project.

American Legion approval is pending.

Resolved, That:

That the Vietnam Veterans of America adopt the Veterans Creed, which reads as follows:

1. I am an American Veteran
2. I proudly served my country
3. I live the values that I learned in the military
4. I continue to serve my community, my country and my fellow veterans
5. I maintain my physical and mental discipline
6. I continue to lead and improve
7. I make a difference
8. I honor and remember my fallen comrades

GA-19 Dependent Indemnity Compensation (DIC) - Passed

Issue: It is inherently unfair that a surviving spouse of a veteran, in the normal circumstance, to qualify for Dependent Indemnity Compensation (DIC) must have had the loved one receiving 100% total and permanent disability for ten or more years, unless that veteran was deemed as dying of an injury or disease related to military service, because such a circumstance frequently places this survivor in a disadvantageous financial position and an undeserved financial crisis.

Background: Section 1318(b)(1) of Title 38 of the United States Code provides Dependency and Indemnity Compensation (DIC) benefits for survivors of deceased veterans who were rated totally disabled for ten or more years. However, the financial status of the surviving spouse is compromised

due to the care often required for the totally disabled veteran by the spouse. The veteran's spouse, acting as a caregiver, must in many instances limit, give up or put a career and other activities on hold. As a result, the family unit suffers an immediate income loss upon the death of the veteran, which can lead to an undeserved financial crisis from which it may not recover, especially if the surviving spouse is no longer of working age.

Resolved, That: That legislation be enacted which:

1. Reduces the rule for DIC qualification period to a more reasonable period of time, that is, five (5) years;
2. Starts payments at fifty percent (50%) of the maximum amount and increases them by ten percent (10%) per year till the maximum payment is achieved, for each year the veteran has been rated at 100% permanent disability; and
3. Reduces the age allowed for surviving spouses to remarry and maintain their benefits from 57 to 55, consistent with other federal survivor benefit programs.

GA-20 USS Fran E Evans - Passed

Issue: The 74 sailors that were killed on the USS Frank E Evans are not on the Vietnam Memorial Wall.

Background: The USS Frank E Evans was on maneuvers with AHMS Melbourne during the maneuver the Frank E Evans was in a collision with the Melbourne in which 74 American sailors were killed. The collision took place just 200 miles off the coast of Vietnam. At the time the Frank E Evans was awarded the Vietnam Service Medal along with all the ships and their crews that came to her rescue. The criteria for the name to be placed on the Vietnam Memorial Wall are that they earned the right, by qualifying for, at the time Vietnam Service Medal.

Resolved, That: The Vietnam Veterans of America supports having the 74 sailor's names from the USS Frank E Evans on the Vietnam Memorial Wall.

Adopted by the Minority Affairs Committee: 2 passed

MA-15 Korean American Vietnam War Veterans (KAVVW) - Passed

Issue: There are currently approximately 2800 Korean American Vietnam War Veterans who are American citizens. They do not have access to VA healthcare, unlike the U.S. European allies of WWI and WWII. The civilian medical community is not versed on Agent Orange (A/O) exposure to the extent the VA healthcare system is. Many KAVVW members are falling ill to the diseases from A/O exposure but go untreated or are under-treated. Because they do not have access to the VSA, nor has the VA reached out to their community to offer medical care or information, most KAVVW members and their families are not even aware of the effects of A/O.

None of the information regarding the illness from Agent Orange exposure KAVWV and or their families are experiencing being included in any of the A/O studies. Therefore, the VA's A/O statistics are underinflated and not true reflection upon Agent Orange exposures impact.

So many combat veterans suffer from PTSD, being afflicted with PTSD is almost incumbent on being a combat veteran. The Korean American Vietnam War Veterans have no resources for themselves, their families and the wider community, to be informed about PTSD or to treat their symptoms.

Background: The Republic of Korea was the U.S.' largest ally during the Vietnam War. From 1964 to 1973, 325, 517 ROK troops were deployed to and served in Vietnam, supporting and protecting U.S. Forces mainly operated in II Corps, the Central Highlands, which had been heavily infiltrated with NVA, and Viet Cong at the beginning of the war. The ROK Forces were able to remove the NVA and Viet Cong from the villages and to keep them from re-infiltrating those villages at night. ROK forces gained control of the major supply line for the Allied Forces, east to west from Cam Rahm Bay to Quin Nhon through Pleiku to the Cambodian border. This route had been uncontrollable, even by the Elite French Forces who were completely slaughtered in their attempt. The South Vietnamese Army, nor even the U.S. could not subsequently control the route Forces. ROK Forces kept that important thoroughfare open day and night and made it safe for the U.S. Forces and others as they traversed those unforgiving Central Highlands. ROK Forces helped the U.S. Forces withdraw, but the ROK Forces continued to received fire that they could not return cause of the cease-fire agreement, hence experienced heavier casualties and facilities during the drawdown of U.S. troops. ROK Forces lost 5099 souls and sustained 10,962 casualties in Vietnam.

They are often acknowledged for serving, protecting the U.S. Forces fiercely, and valiantly. Combat Vietnam Veterans, from the Central Highlands especially, have said repeatedly that the ROK Forces performed a great service to the U.S. As time goes on and the effects of Agent Orange exposures present themselves or become more pronounced, our KAVWV former members of the ROK Forces who are American Citizens, cannot return to South Korea to receive medical diagnosis or treatment. Some have been here for 40 or more years, most with children and now grandchildren. The United States is home to them, and has been for nearly all of their adult lives and for all the lives of their children and grandchildren. They are part of the fabric of American. In addition even If they could travel to South Korea, because they are U.S. citizens and the Republic of Korea doesn't recognize dual citizenship, they cannot participate in the nationalized health insurance, so their healthcare is more expensive. Further many are too ill and/or rather elderly to travel to Korea, incurring more expense in addition to airplane fare. Nor would they have anyone to care for them. It only makes sense that they be treated for Agent Orange exposure close to their homes here in the U.S.

It can be said that most combat veterans are stressed from PTSD. It is an unimaginable affliction from war. PTSD affects the veterans but even more so it affects their family, their community and depending on its severity many others in contact with the veteran. It is no different in the Korean American community. Until there was general education for causes of PTSD and acceptance of its fallout, many veterans suffering from it had to live with misunderstanding of their conducts as they struggled to make sense of their war injuries. This was all the most prevalent for Vietnam Veterans, who were shamed just for being a veteran even though they served in Vietnam through no fault of their own. Having been drafted and unwillingly sent to Vietnam. It was a double edged sword. The Korean American Vietnam War Veterans have the same affliction are in the same bind, but have not the advantaged of education and information about PTSD being available to them, their families and their communities. They and their families are struggling yet with no resources to overcome this continued ravage or war. They are forgotten on their own as they and their families suffer in silence.

Resolved, That: Vietnam Veterans of America support Korean American Vietnam War Veterans in their legislative efforts to gain access to the VA healthcare system especially for the diagnosis treatment and information of Agent Orange exposure and other related illness, including PTSD treatment and education.

MA-10 The Equal Treatment of the 3.2 Million American citizens in Puerto Rico - Passed

History:

First adopted in 2003 as MA-10-03

Renumbered in 2011 as MA-10

Amended in 2015

Amended 2019

Issue: The United States Constitution promises equal protection under the law to all U.S. citizens, and yet the island's current political status treats veterans and other U.S. citizens resident in Puerto Rico differently than citizens residing in the fifty states of the Union, reminiscent of the —separate but equal standard of past era which, although eventually overturned, causes our society to continue to struggle with its repercussions.

Background: On May 3, 1917, Puerto Ricans embarked on a mission in defense of the nations during WWI by protecting the Panama Canal Zone; and during WWII, Puerto Rico's 65th Infantry Regiment was decorated for its participation in the Naples-Foggian, Rome-Arno, Central Europe, and Rhineland campaigns; and during the Korea Conflict, more than 800 Puerto Ricans made the ultimate sacrifice in defense of the universal right of self-determination. In June 2014 the President of the United States of America recognized the Puerto Rico's 65th Infantry Regiment with the Congressional Gold Medal for their war actions in WWII and Korea, making them the first Hispanic Veterans to receive those honors; and during the Vietnam War, four Puerto Ricans received the Congressional Medal of Honor and more than 500 Puerto Ricans gave their lives for the nation. There exists an ever-growing consensus among American veterans and leading veterans organizations, such as the American GI Forum, that the time has come to empower Puerto Rican men and women who have served with courage and distinction in the armed forces of the United States, and their fellow Puerto Ricans to make a decision regarding their island's ultimate destiny. In a referendum in November 2012 in Puerto Rico, the Puerto Rican people voted at 54% not to continue to be in a territorial status, the opposition got 46% of the vote. In another question on the same referendum the Puerto Rican voters chose Statehood by a vote of 61.16% outvoting free Association with 33.34% and Independence by 5.49% of the vote. Lastly, on June 11, 2017 the U.S. citizens of Puerto Rico, exercising their first amendment rights and their inherent rights to self-determination, voted in a locally sponsored plebiscite between statehood, free association/independence and territorial status. The official results showed an over-whelming margin of voters (98%) voted against continuing the current territory status and 97% selected statehood as their preferred option for Puerto Rico's future.

Resolved, That: Vietnam Veterans of America, in consideration of the above results, will support any legislation by the United States Congress that puts the 3.2 million American citizens in Puerto Rico on a path towards equality.

Adopted by the Veteran Benefits Committee: 6 passed

VB-29 U.S. Dept of Veterans Affairs Quality Assurance Program – Passed

History:

First adopted in 2019

Issue: Department of Veterans Affairs Quality Assurance Program

Background: The Board of Veterans' Appeals (Board) increased its decision output by an astonishing 62% in one year, deciding 52,661 cases in 2017 and 85,288 cases in 2018. Veterans Law Judges (VLJs) are expected to decide approximately 25-30 cases a week, giving them often no more than an hour to review thousands of pages in a case file.

Nevertheless, the Board has and continues to consistently report an accuracy rate between 93%-95%; for FY 2018, the Chairman reported that 93.6% of its decisions were "accurate". By the Board's own admission in 2017, the Quality Review (QR) Program would identify errors "very, very rare[ly]" by design. Despite the Board's reportedly high rate of decisional accuracy, the Court of Appeals for Veterans Claims (CAVC) regularly remands or reverses at least one issue in 76% of Board decisions. A recent published study that analyzed nearly 600,000 Board cases from 2002-2016 confirms that the Board's QR program fails to identify errors in decision-making in any meaningful way.

The Board's QR Program costs hundreds of thousands of taxpayer dollars each year and pulls its most successful and experienced attorneys off of decision writing so that it can report to Congress a meaningless number. A system that generates an *inaccurate* but speedy decision is *not* a win for veterans. A system that requires a veteran to appeal, and appeal again, to receive an accurate decision is *not* a win for veterans. The absence of any sort of robust check on the Board's decisional quality at a time when the Board is under immense pressure to increase its production is a sobering recipe for disaster, at the expense of veterans.

Resolved, That: Vietnam Veterans of America, supports the following changes to the Department of Veterans Affairs quality assurance program at the Board:

1. VA regularly discloses information about its quality assurance program, to include details about its design, how it is administered, and the raw data generated. This will increase public awareness of VA's quality assurance program and encourage robust discussion among stakeholders, Congress, and other interested parties. Included in this disclosure, the Board should report rate of appeal to the Court of Appeals for Veterans' Claims and outcome by issue (remand, grand, denial, reverse) on a regular basis.
2. VA should overhaul its quality assurance program at the Board in consideration of the following:
 - a. Attorneys should not be reviewing the work of higher-ranking people.
 - b. The QR Program should not focus on a precise measure of government performance. The QR Program should focus on systemic-level reviews as

opposed to case-specific reviews. For example, as opposed to or in addition to the QR Program reporting a blunt number, it could report a description of issues that arise systematically in decision-making, steps VA is taking to respond, and measures of these responses' efficacy.

c. Congress should mandate the formation of an independent body to convene to devise the quality assurance standards to be used and implemented at both the Board and RO-levels so that there is a general consensus as to what the quality review standard is and so that the quality review standard is informative and helpful at all levels of review before VA. This independent body should include representatives from VSOs, experts (academics), and other stakeholders.

3. Congress should schedule an oversight hearing on the quality assurance claims and appeals adjudication. In the era of AMA claims and appeals, the emphasis is on speed and little to no attention is dedicated to ensuring that these claims are decided accurately.

VB-30 U.S. Dept of Veterans Affairs Spinal Bifida and Birth Defects Program – Passed

History:

First adopted in 2019

Issue: Department of Veterans Affairs Spina Bifida and Birth Defects Program

Background: Children who have spina bifida or certain other birth defects and are biological children of veterans with qualifying service are one of the most vulnerable populations that the Department of Veterans Affairs (VA) must prioritize. Vietnam Veterans of America (VVA) and its members organize, facilitate, and run dozens of town halls across the nation each year to educate veterans on the possible health implications for the children of veterans who were exposed to Agent Orange. Unfortunately, not many people, including veterans, know about the benefits available for children with certain birth defects due to the exposure of their biological parent(s) to Agent Orange.

Moreover, even if the available benefits are known, VVA continues to hear countless stories of roadblocks, unjust denials, and unclear access to available healthcare and other benefits in all corners of our country. Additionally, the numerous stories VVA learns about grandchildren born with birth defects are too frequent to be ignored. To do nothing would be to abandon the innocent and defenseless children born with spina bifida and other birth defects due to no fault of their own.

VVA first formally met with VA to address our concerns with Chapter 18 benefits claims in February 2014. VVA raised concerns specifically pertaining to issues with processing Chapter 18 benefits claims for children and grandchildren, and the cumbersome process of accessing services available. VVA is committed to increasing awareness and improving the process of receiving available benefits for children born with spina bifida or other birth defects due to a parent's exposure to Agent Orange during service. VVA also understands the importance of ensuring that grandchildren and great grandchildren applications are properly preserved and tracked in the event that legislation is enacted that recognizes the multigenerational effects of Agent Orange exposure.

Resolved, That: Vietnam Veterans of America, supports the following initiatives:

1. Communication, Information, & Outreach Efforts. Work with VA to improve the quality and accuracy of the information that is provided about Chapter 18 benefits to include but not limited to the following:

- a. Improve the information provided in and asked for in VA Form 21-0304;
- b. Improve the call scripts used at VA hotlines, information delivered on VA websites;
- c. Improve the timeliness and quality of information provided by the Denver RO on its spina bifida hotline;
- d. Develop and implement targeted outreach with the goal of improving the application process and connecting eligible, approved beneficiaries with all benefits afforded to them under the law.

2. Eligible Beneficiary Assistance

a. Advocate for the implementation of a social worker or claims advocate that is assigned to each case to help a claimant navigate through the eligibility and benefits process of VBA ad VHA.

b. Advocate for VA to conduct a comprehensive audit of Chapter 18 beneficiaries on both the VBA ad VHA side and make findings of audit public. This audit would address deficiencies in the application process as well as address why and how eligible beneficiaries are not accessing healthcare benefits.

c. Advocate for improved data collection efforts. Currently, VA does “not routinely maintain” the following data: (1) number of new individuals eligible to use the program each month; (2) number of eligible individuals that have never submitted bills; (3) number of eligible individuals that submit bills that are rejected and reason for rejection; and (4) how many payments are made each month for preauthorization services. VA should collect this data, as well as other meaningful metrics.

3. Multigenerational Claims Tracking. VA should track multigenerational applications processed by the Denver Regional Office. To this end, VVA advocates that VA should:

- a. Develop written guidelines for how multigenerational applications are processed and preserved.
- b. Ensure that applications are appropriately labeled and easily identifiable for future data analysis efforts. Specifically, ensure that applications uploaded to the “unidentifiable mail queue” are easily retrievable in batches for data analysis. Identify ongoing research initiatives of VA that could impact and expand eligibility of benefits to beneficiaries to ensure that VA is preserving useful information.

VB-31 Protection of the right to representation in appeals - Passed

History:

First adopted in 2019

Issue: Ensure that veterans and their family members are accorded the full right to representation in all stages of an appeal for VA benefits.

Background: Under 38 C.F.R. § 20.5, “an appellant will be accorded full right to representation in all stages of an appeal by a recognized organization, attorney, or other authorized person.” In an April 1, 2019 Memorandum, the Chairman of the Board of Veterans’ Appeals (BVA) announced that

BVA will be implementing 120 day time-limits for VSO Written Briefs (IHPs). This 120 day time-limit applies to appeals in the legacy system and the Appeals Modernization Act system. If the IHP is not submitted within the time-limit, the case will be sent to a Veterans Law Judge without any argument from the representative. This policy conflicts 38 C.F.R. § 20.5 and deprives appellants of their right to representation in all stages of an appeal.

Additionally, BVA interferes with an appellant's right to representation by not providing representatives with the necessary tools to effectively represent appellants. For example, BVA databases have not yet been updated to provide representatives with the proper functions to effectively work cases. Additionally, representatives have not been provided an eReader tool that would help representatives read through case files more efficiently. Finally, bureaucracies in BVA create excessive delay in representatives gaining access to databases and being able to resolve case specific issues within BVA.

Resolved, That: Vietnam Veterans of America support the following initiatives:

- 1) Work with BVA, the Secretary of Veterans Affairs, and Congress to abolish policy initiatives that inhibit an appellant's right to representation in all stages of an appeal.
- 2) Work with BVA, the Secretary of Veterans Affairs, and Congress to promote policies that further protect an appellants right to representation in all stages of an appeal and to ensure that representatives always have the necessary tools to effectively provide representation.

VB-3 Less-Than-Honorable Administration Discharges – Passed

History:

Adopted in 1991 as L-4-91 (an Update of L-11-83, L-12-83, L-13-83, L-14-83)

Renumbered in 1993 as VA-4-93

Renumbered in 1997 as VA-3-97

Amended in 1999 as VB-3-99

Renumbered in 2011 as VB-3 Amended in 2015 and 2019

Issue: In September 2014, former Secretary of Defense Chuck Hagel signed a directive ordering the Army, Navy, and Air Force implement supplemental guidance involving discharge upgrade application relating to PTSD. The directive may affect up to 80,000 Vietnam Veterans impacted by PTSD and having undesirable or other than honorable discharges. Outreach to veterans from all wars still needs to be accomplished on this issue. Most veterans are unaware that they can still apply to the Board of Corrections of Military Records for upgrades.

Background: Prior to the 1890s, the military services only issued less-than-honorable discharges (LTHD) as a sentence of a court-martial. When administrative LTHDs began to be issued in the 1890s, some military law scholars questioned their legality. The services used various systems until 1948, when the Defense Department standardized the types of administrative discharges as Honorable (HD), General (GD), and Undesirable (UD) (now called the Discharge under Other Than Honorable Conditions). Most veteran's organizations opposed the use of the GD and UD until the 1960s. Many courts, writers, lawyers, and veterans' organizations have criticized the administrative discharge system for not adequately providing procedural protections. Although these protections

improved somewhat over the years, the system is still marked by the lack of realistic safeguards. More importantly, Congress never has explicitly authorized the system, the GD, or the UD. The use of the administrative system has increased steadily, while the use of the court-martial system with its many safeguards has declined.

Department of Defense (DoD) studies and General Accounting Office (GAO) reports have found gross inconsistencies in the types of discharges people received for the same conduct and vast racial disparities in the awarding of LTHDs. Variances run from service to service, year to year, and even command to command in the same service. Because discharge review is not automatic, the Discharge Review Boards (DRB) has not done much to remedy these inconsistencies.

Tens of thousands of HDs were issued yearly to people who were discharged as unsuitable, trainee failures, and for other reasons not normally associated with performance, proficiency, and useful service. Thus, the HD is in reality not a "reward" for honorable service, but something given to 90 percent of all discharges. (Since 1982, uncharacterized discharges have been issued to those who fail to demonstrate potential in the first six months of service.) Further, there is no evidence that a LTHD is a deterrent to misconduct. On the other hand, there is substantial evidence that the administrative system is an incentive to manipulate an early discharge. The clear result of the system is the lifetime stigma for young people often too immature to realize the consequences of their actions and the waste of the taxpayers' money by permitting the early release of expensive trainees.

The early 1990s brought cries for reform. Secretary of Defense Laird mandated a retroactively liberal policy for drug-related discharges. Failed outreach led to a lawsuit requiring the review of many cases. The Ford Clemency Program offered no meaningful relief, and the Carter Special Discharge Review Program attracted only 10 percent of the eligible applicants. Of the approximately one-half million Vietnam-era veterans with LTHDs (800,000 from 1961-1995), less than 10 percent have been upgraded, and most of them only to GD.

Private efforts at outreach and DoD attempts (often as the result of court order) have not produced desirable results because of lack of funds or appropriate information regarding privacy and assistance. The 15-year statute of limitations for the DRBs has foreclosed Vietnam-era veterans' opportunities, and the DRBs remain largely inaccessible to the average veteran. Moreover, the rate of upgrades has dropped markedly in the last ten years, and there is an increasing tone of hostility expressed by some DRB panel members toward veterans who are able to appear at hearings. Most veterans are unaware that they can still apply to the Boards for Correction of Military Records for upgrades. The 1983 resolutions are still viable.

Resolved, That: Vietnam Veterans of America continues to seek the repeal of Public Law 95-126 regarding the Carter administration's special discharge upgrade program and is working toward having the Other-Than-Fully-Honorable Discharge replaced with a Certificate of Service.

In his opening remarks at the U.S. Court of Appeals for Veterans Claims' (CAVC) Judicial Conference in October 1994, Chief Judge Frank Q. Nebeker accused the DVA of frustrating the original intent of Congress by failing to implement the court's decisions at the DVA Regional Office level. The Chief Judge asked the Secretary of Veterans Affairs to ensure that precedent opinions are followed [by the VAROs] and that judgments in specific cases are met with full and prompt compliance. Since then, DVA has formed a "CAVC Fact-finding Committee" to determine how well the VAROs are implementing the court's decisions.

Resolved, That: Vietnam Veterans of America, will continue to urge DVA and Congress to ensure that VBA is timely implementing and following all CAVC decisions that create binding law on DVA.

VB-9 DVA Implementation of US Court of Appeals for Veteran Claims Decisions – Passed

History:

First adopted in 1995 as VA-9-95

Updated in 1999 as VB-9-99

Renumbered in 2011 as VB-9

Amended in 2015 and 2019

Issue: Vietnam Veterans of America’s Service Representatives report that the Department of Veterans Affairs (DVA) often has failed to implement decisions by the U.S. Court of Appeals for Veterans Claims (CAVC).

Background: In 1988, Congress passed the Veterans Judicial Review Act (VJRA), creating the U.S. Court of Appeals for Veterans Claims (CAVC). This law stated that the Court's opinions would have binding authority on the DVA in all similar cases 38 U.S.C. §§ 7251, 7261.

In the nine years since the U.S. Court of Appeals for Veterans Claims (CAVC) has been in existence, it has issued numerous decisions expanding the rights of veterans who are seeking benefits from the DVA. However, VVA Service Representatives and other veterans’ advocates report that DVA often is reluctant to follow the court’s instructions in a particular veteran’s case, which has been remanded, by the court? The DVA also has been reluctant to follow the rules of law contained in the court’s decisions by applying these rules to all cases, which DVA adjudicates.

VB-27 Reduction of DIC Survivor Waiting Period - Passed

History:

First adopted in 2011 as VB-27

Amended in 2019

Issue: Urge Legislation to Amend the Rules for Dependency and Indemnity Compensation (DIC) so that Eligible Survivors Can Receive Monthly Benefits after a 1 year waiting period rather than the current 10 year waiting period.

Resolved, That: The Vietnam Veterans of America, urge Congress to pass appropriate legislation to have the waiting period for Dependency and Indemnity Compensation reduced to 1 year.

Adopted by the Veteran Incarcerated Committee: 1 passed

VINJS-7 Getting Ahead while getting out – Passed

Issue: Incarcerated veterans, in all fifty states, are paroled and released back into the community. It is an important process which requires support. The Veterans Incarcerated and in the Justice System Committee has begun to enter prisons prior to a veteran inmate's release to prepare the veteran for a successful return to our communities.

Background: The Veterans Incarcerated and in the Justice System Committee has begun work in Southern Florida to prepare veterans for release and to support them upon their return to the community. The work has been a success; local VVA Chapters and other organizations are serving recently released inmates with job support, counseling, clothing, and housing.

Resolved, That: To add to the activity of the Veterans Incarcerated and in the Justice System Committee a program which promotes further service to inmates who face parole and release. The program is titled: Getting Ahead While Getting Out. It includes training and support prior to and subsequent to release from incarceration.

Adopted by the Membership Committee:

MA-XX (GA-21) - Changing the name of the Vietnam Veterans of America - Amended
(Amended – See GA-21, pg-36 in 2019 Convention Resolutions document)
Result: Passed

NOTE: Division of the house! Decision was made to “investigate” what is required (1) to change VVA’s name and (2) to open up membership to include all veterans after the Vietnam-era. This will then be voted on again at the 2021 VVA National Convention.

Issue: Require VVA’s leadership to investigate what is required to change Vietnam Veterans of America’s name and then open up membership to include all veterans after the Vietnam-era.

Background: There has been much discussion over the last 15 years about VVA being a last person organization. But no formal vote has been taken. A NO vote on this resolution would make it official.

Resolved, That: Require VVA's Officers and Board of Directors to investigate the requirements to change the name of Vietnam Veterans of America to a name that would entice Post-Vietnam era veterans to join the renamed organization and then open up membership to these newer veterans. **The proposed changes would be presented to the delegates at the 2021 Convention for ratification.**

Adopted by the Women Veterans Committee: 1 passed

WV-2 Medical Treatment of Women Veterans by DVA- Passed

History:

First adopted in 1983 as R-4-83(Medical Treatment of Women Veterans by DVA
Amended and renumbered in 1993 as V-WV-18-93
Renumbered in 1995 as WV-5-95
Amended & renumbered in 1999 as WV-4-99
Amended and renumbered in 2001 as WV-3-01
Amended and renumbered in 2003 as WV-2-03
Amended in 2005 and 2007

Amended and renumbered in 2011 as WV-2

Amended in 2013 as WV-2

Amended in 2015, 2017 and 2019

Issue: Since 1982, Vietnam Veterans of America has been a leader in advocacy and championing appropriate and quality health care for all women veterans. The Department of Veterans Affairs (DVA) has made many innovations, improvements and advancements over the past thirty years. However, some concerns remain respective of its policies, care, treatment, delivery mode, and monitoring of services to women veterans.

Background: DVA eligible women veterans are entitled to complete health care including care for gender specific illnesses, injuries and diseases. The DVA has become increasingly more sensitive and responsive to the needs of women veterans and many improvements have been made. Unfortunately, these changes and improvements have not been completely implemented throughout the entire system. In some locations, women veterans experience barriers to adequate health care and oversight with accountability is lacking. Primary care is fragmented for women veterans. What would be routine primary care in the community is referred out to specialty clinics in the VA. One third of VA Medical Centers (VAMC) does not have a gynecologist on staff. The number of women Veterans using VHA has risen 80% in the last decade. Women make up nearly 11.6% of OEF/OIF/OND veterans. 57% of these women veterans have received VA health care. The average age of women veterans using the VA are 48.

Resolved, That: Vietnam Veterans of America will continue its advocacy to secure appropriate facilities and resources for the diagnosis, care and treatment of women veterans at all DVA hospitals, clinics, and Vet Centers. We ask the Secretary to ensure senior leadership at all facilities and Veteran Integrated Service Networks (VISN) be held accountable for ensuring women veterans receive appropriate care in an appropriate environment. We ask that each VISN have a woman veteran collaborating with each meeting. Further, we seek that the Secretary ensures:

- Streamline eligibility and receipt of information to access health care services for first time users.
- Address “sense of mistrust” in developing strategies for recruiting women veterans.
- Organize the billing scales clearly for first time users.
- The competency and courtesy of staff who work with women in providing gender-specific health care.
- Those women veterans are provided women's health care in a timely and geographically accessible way.
- Every VA Medical Facility have at least one full-time FTE designated staff for women health.
- That reproductive health care expand to ensure complete infertility workups and fertility solutions regardless of marital status
- That appropriate training regarding issues pertinent to women veterans is provided.
- That there is the creation of an environment in which staff are sensitive to the needs of women veterans; that this environment meets the women's needs for privacy, safety, and emotional and physical comfort in all venues.
- Those privacy policy standards are met for all patients at all VHA locations and the security of all veterans is ensured.
- That the anticipated growth of the number of women veterans should be considered in all strategic plans, facility construction/utilization and human capital needs.

- Require data collection reporting on all VA Programs serving veterans by gender age and minority status.
- Ensure that sexual trauma care is easily and readily available to all veterans and the VA provides care and treatment by medical staff appropriately trained in military sexual trauma. clinical staff with appropriate qualification
- The VA should promote awareness of access to legal aid for women veterans.
- Require VA to report to Congress on the provision of size appropriate women veteran prosthetics at each VA Medical Center.
- That an evaluation of all gender specific sexual trauma intensive treatment residential programs be made to determine if this level is adequate as related to level of need for each gender.
- Those women veterans who seek care at Community Based Outpatient Clinics (CBOC) which do not provide for gender-specific medical and or mental healthcare shall be authorized to have treatment within the community care provider network.
- That evidenced based holistic programs for women's health, mental health and rehabilitation are available in all VA Hospitals and CBOCs to ensure the full continuum of care.
- That the Women's Health Service aggressively seeks to determine root causes for any differences in quality measures and report these to the Deputy Under Secretary for Health, Deputy Under Secretary for Health Operations and Management, the VISN directors, facility directors and COS, and providers.

And furthermore: Vietnam Veterans of America will seek legislation:

- For a permanent VA Readjustment Counseling Service's Women Veterans Retreat Program.
- To ensure that neonatal care is provided for up to 15 days as needed for the newborn children of women veterans receiving maternity/delivery care through the VA.

Adopted by the Healthcare Committee: 3 passed

HC-7 Participation in the process of accrediting VA Medical Centers – Passed

History:

First adopted in 1993 as V-13-93 1995 renumbered as V-6-95

Renumbered in 2003 as V-3-03

Renumbered in 2009 as VB-20-09

Amended and renumbered in 2011 as HC-7

Amended in 2019

Issue: Consumer input into the accreditation process.

Background: The Joint Commission on Accreditation of Health Care Organizations (JCAHO) accredits hospitals and other health-care facilities in the U.S. Although a private nonprofit organization, JCAHO, with input from professional and consumer groups, establishes the standards by which health-care facilities are evaluated. Accreditation status is used to establish eligibility for non-federal institutions to receive Medicare funds and, in some cases, to determine eligibility for licensure. Although Department of Veterans Affairs (VA) facilities can continue operating without accreditation, all VA Medical Centers (VAMCs) participate in the JCAHO accreditation process, and loss of accreditation or conditional accreditation is viewed as an extremely serious matter by VA Central Office management.

The Commission on Accreditation of Rehabilitation Facilities (CARF) similarly accredits specific programs within VA facilities. Examples of programs that may be accredited by CARF include: medical rehabilitation; DMEPOS (Durable Medical Equipment, Prosthetics, Orthotics, and Supplies); behavioral health; opioid treatment; and employment services.

Both the JCAHO and CARF reviews are conducted approximately every three years and include on-site visits to the healthcare facility. Individuals who learn that a JCAHO survey is taking place and who have information about a hospital's compliance with the accreditation standards may request a Public Information Interview during the on-site survey; however there is no longer a formal process to notify the public in advance of the survey. CARF continues to require facilities post notification of a survey at least 30 days in advance of the survey. Both JCAHO and CARF post a searchable list of accredited programs on their websites.

Resolved, That: Vietnam Veterans of America takes the following positions:

1. Encourages chapters and state councils to become familiar with the accreditation standards currently used by JCAHO and CARF; and
2. Encourages chapters and state councils to participate appropriately in providing consumer input, both positive and negative, during accreditation surveys of VA medical facilities by requesting public information interview;

HC-9 Hours of operation of VA Medical Facilities – Passed

History:

First adopted in 1993 as V-17-93 In 1995

Renumbered as V-10-95 In 1997

Renumbered as V-9-97

Renumbered 2003 as V-6-03

Renumbered 2005 as V-9-95

Renumbered 2009 as VB-23-09

Amended and renumbered in 2011 as HC-9

Amended in 2019

Issue: Accessibility and timeliness of health care at Department of Veterans Affairs (VA) facilities.

Background: The hours of operation for outpatient care at many VA hospitals and clinics are generally from 8-9 a.m. to 4-5 p.m. Veterans who are employed or have personal responsibilities may find it difficult to make appointments during these hours. Saturday and evening clinics, as well as measures to decrease waiting times, would facilitate use of VA facilities by these veterans.

Resolved, That: Vietnam Veterans of America:

- 1 Encourages all VA hospitals and clinics to provide weekend and evening appointments for veterans through use of flexible employee scheduling; and
2. Encourages hospitals and clinics to diligently evaluate and improve scheduling to decrease waiting time.

HC-11 Testing for Hepatitis C – Passed

History: First adopted in 2011 as HC-11

Issue: Vietnam Veterans are known to have a significant higher prevalence of Hepatitis C than non-veterans of the same generation.

Background: Not all Veterans Affairs facilities are ensuring that all Vietnam-era veterans are offered testing for Hepatitis C. The Centers for Disease Control and Prevention recommend that all adults born from 1945 through 1965 should be tested once without prior ascertainment of HCV risk factors.

Resolved, That: Vietnam Veterans of America requests that the Secretary of Veterans Affairs ensure all Veterans Health Administration (VHA) facilities comply with existing VHA Hepatitis C protocols that all Vietnam-era patients are offered testing for anti-HCV and, if the test is positive, be accorded appropriate follow-up and treatment.

Adopted by the Homeless Veteran Committee: 1 passed

HVC-6 VA Homeless Grant and Per Diem Funding – passed

History:

First adopted in 2009 as HVC-6-09

Amended and renumbered in 2011 as HV-6

Amended in 2013 as HVC-6

Amended in 2015

Issue: Funding and support of the VA HGPD Program has proven to be a most effective tool in addressing veteran homelessness.

Background: VA Homeless Grant and Per Diem funding must be considered a payment rather than a reimbursement for expenses, an important change that will enable the community based organizations that deliver the majority of these services to operate effectively. Non- profits have long struggled with the process used to justify the receipt of the per diem payments from VA Homeless Grant and Per Diem (HGPD) program. Although the amount of the per diem money received per veteran per day provided has increased over time, the requirement documentation to meet a 100% cost expense has created a significant burden on non-profits.

Currently, the per diem amount that non-profits receive is based on the previous year expenses as defined in its annual audit. It is not based on anticipated expenses for the operating year in which the per diem will be paid. This causes the program to fall short in meeting its expenses for the agency's operating year. For this reason, we believe it is a reasonable suggestion that VA consider the distribution of per diem payments in much the same way that other federal agencies operate. One solution to consider would be to set up HG PD disbursements in a "draw down" account similar to the system utilized by the U.S. Department of Housing and Urban Development, whereby agencies

submit their projected budgets, are allocated the funds, and draw down on the allocated funds throughout the year. At the end of year reconciliations and adjustments as made.

Payments need to be based on actual anticipated budgetary expenses, not based on past year expenses. Non-profits cannot enhance services or hire additional necessary staff before they are able to access the dollars of increased per diem to pay for them. It sets in place a vicious cycle of need. (The agencies have a set per diem; they need more staff; they haven't shown it as an expense on the approved per diem they are receiving, so they can't afford to hire new staff because they don't have the money to do so.) This process leaves the program and the agency at a clear disadvantage because they do not have the money to do any advanced or "real time" enhancements to the program. To do so would place them at high risk and this action could be suicidal for a small non-profit. It places them at risk with creditors or, the agency has to reach into its line of credit at the bank. This action could result in paying in pay interest on the use of its line of credit until they can be approved for higher per diem. This interest is then an added expense to the program...a cost they cannot recoup.

Per Diem dollars received by services centers are not capable of obtaining or retaining appropriate staffing to provide services supporting the "special needs" of the veterans seeking assistance. Per Diem for Service Centers is provided on an hourly rate, currently only \$5.92 per hour.

Service centers are unique and indispensable in the VA process. In many cases they are the front and first exposure to the VA and VA Homeless Grant and Per Diem programs. Veteran specific service centers are vital in that most city and municipality social services do not have the knowledge or capacity to provide appropriate supportive services that directly involve the treatment, care and entitlements of veterans. Without consideration of staffing grants, the result could be the demise of these critical services. The VA acknowledges this problem exists. It is yet to be specifically identified how many awarded services center grantees have been affected by either the inability to establish these centers or retain operation because of this very funding issue.

Resolved, That: Vietnam Veterans of America:

- Urges the Department of Veterans Affairs, Homeless Grant and Per Diem Program to provide payment for services rather than the reimbursement for services it presently provides for transitional housing.
- Supports and seeks legislation to establish Supportive Services Staffing Grants for VA Homeless Grant and Per Diem Service Center Grant Awardees

2019 Retired Committee Convention Resolutions: passed

(retired all - whole slate)

SUMMARY – 7 AMENDMENTS & RESOLUTIONS AFFECTING THE VVA ORGANIZATION TRANSITION

Forward

Below is a list of Amendments and Resolutions that were submitted at this 2019 VVA Convention, to be related to any sort of major VVA organization transition proposals, such as (1) changing the membership criteria for the VVA such that all veterans (other than Vietnam War Era) are allowed to join the organization, (2) changing the name of the organization such that it is no longer considered to be specific only to the Vietnam War Era veteran, and (3) changing or limiting the Delegates voting power for each VVA chapter.

Note that this section starts on a new page-break so that you may print only this section of the document (print as 1 page, 2 sided). Also be aware that the views presented in this section are purely objective from the perspective of the author of this document.

Proposed Constitutional Amendment 03 – Article 1 National Provisions – Not Adopted

Proposed Amendment to limit every chapter’s voting Delegates to two, regardless of total number of chapter members. **NOT ADOPTED**

Reason for Proposed Change:

This is a major cost reduction for National, States and Chapters. There would also be less confusion on how to determine the number of voters.

[Click here to view details](#)

Proposed Constitutional Amendment 04–Article 1 National Provisions (New Section 12) “Dissolution” – FAILED

A Proposed Amendment to, at some point in the future, the Corporation (VVA Organization) will legally dissolve, either as a final involuntary action, or as a planned action associated with the transfer of assets to one or more other organizations. **FAILED**

NOTE: Resulted in a “Division of the House” Vote! An Amendment to the amendment was made which passed. The secondary Amendment stated “When the National Board develops a plan for dissolution of the VVA it must be voted on by the delegates at the next National Convention (2021).” Even with the Amendment to the Amendment, the “Dissolution” Amendment failed and resulted in a “Division of the house” vote. (Stand and count out vote for Yea and Nay). [Click here to view details](#)

Proposed Constitutional Amendment 05 – Article 1 National Provisions (New Section 12) – FAILED

A Proposed Amendment that states the Corporation (VVA Organization) shall be legally dissolved on or about December 31, 2028. **FAILED** [Click here to view details](#)

Proposed Constitutional Amendment 06 - Article 2 State Provisions - FAILED

A Proposed Amendment that states the number of voting delegates to be only two per chapter.
FAILED

Reason for Proposed Change:

The reason for the proposed change is to provide equal representation for each chapter. Currently, one or two large chapters control all activities of a State Council. [Click here to view details](#)

Proposed Constitutional Amendment 10 – Article 3 General Provisions (New Paragraph) – Out of Order

A Proposed Amendment stating that the Corporation (VVA Organization), its national board, national officers, and/or anyone acting at their direction, or on their behalf shall not conduct, plan and/or direct any activities regarding the disposal or transfer of Corporation assets in a dissolution or proposed dissolution of the Corporation. **OUT OF ORDER**

Reason for Proposed Change:

In a nutshell, to create a new veterans organization with a new name that allows all veterans to join. [Click here to view details](#)

Resolution GA-XX - Create a New Veterans Organization of Post-Vietnam Veterans - Moot

GA-XX - Create a New Veterans Organization of Post-Vietnam Veterans - **MOOT**
This Resolution was adopted by the Government Affairs Committee. [Click here for details](#)

Resolution MA-XX - Changing the name of the Vietnam Veterans of America - Amended

MA-XX (GA-21) - Changing the name of the Vietnam Veterans of America – **AMENDED**
[Click here for details](#)