

SUBJECT: State veterans benefits for South Vietnamese military veterans

COMMITTEE: Defense Affairs and State-Federal Relations — favorable, without amendment

VOTE: 5 ayes — Corte, Berman, Delisi, P. Moreno, Noriega
0 nays
4 absent — Campbell, Mabry, Merritt, Seaman

WITNESSES: For — Jerry Patterson, General Land Office and Veterans Land Board
Against — None

BACKGROUND: Texas Constitution, Art. 3, sec. 49-b establishes the Veterans' Land Board (VLB), and the Veterans' Land Fund, Veterans' Housing Assistance Fund, and Veterans' Housing Assistance Fund II. The Veterans' Land Program, established in 1949, uses bond funding to buy land and then resell it to eligible veterans under a 30-year contract of sale and purchase. The Veterans' Housing Assistance Program, established in 1983, helps eligible Texas veterans buy new or existing homes by providing low-interest loans up to \$150,000. The Veterans' Financial Assistance Program, established in 1993, provides financial assistance to veterans for the purchase of land and for home mortgage loans. All three programs are administered by the VLB through the General Land Office, as authorized under Natural Resources Code, chapters 161, 162, and 164. The bond debt is repaid with revenue, such as loan repayments with interest, from the programs that the bonds support.

In addition to the loan programs, the VLB operates four skilled nursing facilities throughout the state that provide long-term care to veterans and some qualified dependents. These are the facilities that comprise the Veterans' Homes Program. VLB also has a veterans cemetery program for veterans and their eligible dependents. The creation of veterans cemeteries was approved by voters in 2001 in Proposition 7 (HJR 82 by Counts), and currently two cemeteries are in the early stages of development and construction.

DIGEST: HB 3211 would amend the definition of veteran to include a person who served in the armed forces of the Republic of Vietnam between February 28, 1961, and May 7, 1975, if the VLB adopted a rule to this effect. If the VLB adopted such a rule, it would have to include procedures for establishing proof of service for the veteran.

The bill would remove the definitions of veteran from chapters 162 and 164 of the Natural Resources Code, and replace them with references to the bill's amended definition in Natural Resources Code, ch. 161.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

SUPPORTERS SAY: HB 3211 would recognize Texas residents who were members of the Republic of Vietnam's armed forces and thank them for being the United States' partner in the struggle against North Vietnam. These expatriate veterans cannot return to the country in whose military they fought because it no longer exists, and many have looked to the United States for the freedom to create a new life. It is appropriate for the state that they have chosen as home to recognize their service with veterans benefits since they will not receive benefits from their native country's government. The bill also would require the VLB to adopt procedures for verifying a Vietnamese veteran's service to ensure that only veterans who served honorably in forces allied with the United States received benefits.

This bill is permissive, so it would allow, but not require, the VLB to extend the definition of veteran to former members of the Republic of Vietnam's armed forces. It probably would result in no statistical impact on the number of persons using VLB programs since fewer than 5,000 Vietnamese veterans live in Texas, and the number is decreasing as these veterans increase in age. Further, many of them do not need assistance with housing loans, which are the only VLB programs for which they would be eligible since federal restrictions on other VLB programs would exclude them. However, this bill would have tremendous symbolic importance both to Vietnamese veterans living in Texas and to U.S. Vietnam veterans who believe that America abandoned Republic of Vietnam forces in the early 1970s.

The state has extended benefits to foreign veterans twice before — to veterans of Mexico’s War of Independence from Spain and to Confederate veterans of the Civil War. In neither case has this action made it necessary for the state to recognize all foreign veterans with benefits for their service. Further, one of the primary reasons for including expatriate Vietnamese veterans in the Texas VLB programs is precisely because they have no country other than the United States. Allied veterans from most, if not all, other conflicts have a home country to recognize their military service. Further, many of the former Vietnamese soldiers now are U.S. citizens or legal permanent residents.

**OPPONENTS
SAY:**

The state should not extend veterans benefits to foreign veterans, even if they were allies serving alongside U.S. forces. The United States has had many allies in its various military struggles, and the state government does not have the resources to reward all allied foreign veterans with access to VLB programs. Singling out one group of foreign veterans would be unfair to others whose service was just as valuable, but opening it up equally to other foreign veterans would overextend VLB’s ability to serve those who should be its first priority — Texas residents who are veterans of the U.S. armed services.