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Individuals Who Served in the Republic of Korea (South Korea) Armed Forces, Alongside U.S. Service Members in the Vietnam War, and who Later Emigrated to the U.S. and Became Naturalized Citizens Are Now Eligible for Medical Care from the U.S. Department of Veterans Affairs And South Korea is Paying for this Care.

By Captain Samuel F. Wright, JAGC, USN (Ret.)²

11.0—Veterans claims

On 11/13/2023, President Biden signed the Korean American Vietnam Allies Long Overdue Relief Act (VALOR Act). Here is the announcement of this new law, sent by Senator Mike Braun of Indiana:


¹ I invite the reader's attention to www.roa.org/lawcenter. You will find more than 2,000 "Law Review" articles about the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Servicemembers Civil Relief Act (SCRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the Uniformed Services Former Spouses' Protection Act (USFSPA), and other laws that are especially pertinent to those who serve our country in uniform. You will also find a detailed Subject Index, to facilitate finding articles about specific topics. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997. I am the author of more than 90% of the articles, but we are always looking for "other than Sam" articles by other lawyers.

² BA 1973 Northwestern University, JD (law degree) 1976 University of Houston, LLM (advanced law degree) 1980 Georgetown University. I served in the Navy and Navy Reserve as a Judge Advocate General's Corps officer and retired in 2007. I am a life member of ROA. For 45 years, I have collaborated with volunteers around the country to reform absentee voting laws and procedures to facilitate the enfranchisement of the brave young men and women who serve our country in uniform. I have also dealt with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Veterans' Reemployment Rights Act (VRRRA—the 1940 version of the Federal reemployment statute) for 38 years. I developed the interest and expertise in this law during the decade (1982-92) that I worked for the United States Department of Labor (DOL) as an attorney. Together with one other DOL attorney (Susan M. Webman), I largely drafted the proposed VRRRA rewrite that President George H.W. Bush presented to Congress, as his proposal, in February 1991. On 10/13/1994, President Bill Clinton signed into law USERRA, Public Law 103-353, 108 Stat. 3162. The version of USERRA that President Clinton signed in 1994 was 85% the same as the Webman-Wright draft. USERRA is codified in title 38 of the United States Code at sections 4301 through 4335 (38 U.S.C. §§ 4301-35). I have also dealt with the VRRRA and USERRA as a judge advocate in the Navy and Navy Reserve, as an attorney for the Department of Defense (DOD) organization called Employer Support of the Guard and Reserve (ESGR), as an attorney for the United States Office of Special Counsel (OSC), as an attorney in private practice, and as the Director of the Service Members Law Center (SMLC), as a full-time employee of ROA, for six years (2009-15). Please see Law Review 15052 (June 2015), concerning the accomplishments of the SMLC. My paid employment with ROA ended 5/31/2015, but I have continued the work of the SMLC as a volunteer. You can reach me by e-mail at <mailto:swright@roa.org>.

Dear Captain Wright,

Since you have written to my office on important matters in the past, I wanted to share that the *Korean American Vietnam Allies Long Overdue for Relief Act* or the *Korean American VALOR Act* was signed into law on November 13, 2023. This bipartisan bill allows South Korean immigrants who served in the armed forces of the Republic of Korea alongside American troops during the Vietnam War to access health care services through the Department of Veterans Affairs, paid for by the Korean government. You can view my press release and read the full text of the bill below.

It is an honor to serve as your U.S. Senator from Indiana. Please keep in touch with me on issues of concern to you. If I ever may be of service, please do not hesitate to contact me.

Sincerely,


Mike Braun
U.S. Senator



FOR IMMEDIATE RELEASE

November 16, 2023

BRAUN, HIRONO'S KOREAN AMERICAN VALOR ACT SIGNED INTO LAW

WASHINGTON—The bipartisan Korean American VALOR Act introduced by Senator Mike Braun and Senator Mazie Hirono has been signed into law. This legislation will allow the approximately 3,000 Korean American Vietnam War veterans that have since become naturalized American citizens to enroll in VA healthcare paid for by the South Korean government.

The House companion was led by Representative Mark Takano, Ranking Member of the House Committee on Veterans' Affairs. The bill passed the House of Representatives in May.

“I am pleased to announce that the bipartisan Korean American Valor Act has been signed into law. The men and women who bravely fought alongside U.S. troops and have become American citizens will now have access to the care and benefits they deserve.”— **Senator Mike Braun**

“Thanks to the Korean American VALOR Act, approximately 3,000 Korean American veterans in Hawaii and across the country will be able to access medical services through the VA. I am glad President Biden has signed our legislation into law, to help ensure our veterans have access to the quality VA healthcare they need and deserve.”—**Senator Mazie Hirono**

“Today, the United States is a step closer to ensuring every veteran can receive the care and services they have rightfully earned. Heroes who served alongside our military in Vietnam now qualify for the same benefits as their American counterparts. I applaud President Biden to opening the VA to more veterans who have served to defend our country.”— **Rep. Mark Takano, Ranking Member of the House Committee on Veterans’ Affairs**

BACKGROUND

1. Korea will reimburse the U.S. for healthcare services VA furnishes to Korean American veterans. In exchange, the U.S. will reimburse Korea for the healthcare it provides to veterans of the U.S. armed forces residing in Korea.

2. The U.S. has established reciprocal agreements with the United Kingdom, Australia, New Zealand, Canada, and South Africa. Veterans from these nations do not need to be U.S. citizens to be eligible for care, and VA has the authority to treat veterans of any combat era.

Here is the summary of this new law, prepared by the Congressional Budget Office:

H.R. 366 would require the Department of Veterans Affairs (VA) to provide health care and related services to members of the armed forces of the Republic of Korea who served in Vietnam during the period from January 9, 1962, to May 7, 1975. VA would provide that treatment under the condition that Korea reimburse VA for those services. Amounts paid to VA as reimbursement would be credited to the appropriation from which costs for providing that health care were spent.

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This article is one of 2,000-plus “Law Review” articles available at www.roa.org/lawcenter. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997. We add new articles each month.

ROA is the nation's only national military organization that exclusively and solely supports the nation's reserve components, including the Coast Guard Reserve (6,179 members), the Marine Corps Reserve (32,599 members), the Navy Reserve (55,224 members), the Air Force Reserve (68,048 members), the Air National Guard (104,984 members), the Army Reserve (176,171 members), and the Army National Guard (329,705 members).³

ROA is more than a century old—on 10/2/1922 a group of veterans of “The Great War,” as World War I was then known, founded our organization at a meeting in Washington’s historic Willard Hotel. The meeting was called by General of the Armies John J. Pershing, who had commanded American troops in the recently concluded “Great War.” One of those veterans was Captain Harry S. Truman. As President, in 1950, he signed our congressional charter. Under that charter, our mission is to advocate for the implementation of policies that provide for adequate national security. For more than a century, we have argued that the Reserve Components, including the National Guard, are a cost-effective way to meet our nation’s defense needs.

Through these articles, and by other means, including amicus curiae (“friend of the court”) briefs that we file in the Supreme Court and other courts, we advocate for the rights and interests of service members and educate service members, military spouses, attorneys, judges, employers, Department of Labor (DOL) investigators, Employer Support of the Guard and Reserve (ESGR) volunteers, congressional and state legislators and staffers, and others about the legal rights of service members and about how to exercise and enforce those rights.

³ See <https://crsreports.congress.gov/product/pdf/IF/IF10540/>. These are the authorized figures as of 9/30/2022.

We provide information to service members, without regard to whether they are members of ROA, but please understand that ROA members, through their dues and contributions, pay the costs of providing this service and all the other great services that ROA provides.

If you are now serving or have ever served in any one of our nation's eight⁴ uniformed services, you are eligible for membership in ROA, and a one-year membership only costs \$20 or \$450 for a life membership. Enlisted personnel as well as officers are eligible for full membership, and eligibility applies to those who are serving or have served in the Active Component, the National Guard, or the Reserve. If you are eligible for ROA membership, please join. You can join on-line at <https://www.roa.org/opage/memberoptions/>.

If you are not eligible to join, please contribute financially, to help us keep up and expand this effort on behalf of those who serve. Please mail us a contribution to:

Reserve Organization of America
1 Constitution Ave. NE
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⁴ Congress recently established the United States Space Force as the eighth uniformed service.

⁵ You can also contribute on-line at www.roa.org.