

Military-Veterans Advocacy

Statement for the Record in Concerning *Limiting Access and Damaging Gateway Economies: Examining the National Parks Air Tour Management Program*

Submitted to the United States House Natural Resources Committee,
Subcommittee on Oversight and Investigations
December 5, 2023



Commander John B. Wells, USN (Ret)
Chairman

Introduction

Chairman Paul Gosar, Ranking Member Melanie Stansbury and other members of the Committee, thank you for the opportunity to present Military-Veterans Advocacy's views on the Air Tour Management System. I am accompanied by the MVA Vice-Chair, Sgt. Major Jim Kuiken USMC (ret). Sgt. Major Kuiken is a combat Marine who proudly wears the purple heart and who has fought for this nation in seven wars or conflicts. He is totally and permanently disabled.

About Military-Veterans Advocacy

Military-Veterans Advocacy Inc. (MVA) is a tax-exempt IRC 501(c)(3) organization based in Slidell, Louisiana that works for the benefit of the armed forces and military veterans. Through litigation, legislation, and education, MVA seeks to obtain benefits for those who are serving or have served in the military. In support of this goal, MVA provides support for various legislation on the State and Federal levels as well as engaging in targeted litigation to assist those who have served. We currently have over 1500 proud members and our volunteer board of directors litigates, legislates, and educates in support of veterans. MVA analyzes and supports/opposes legislation, assists Congressional staffs with the drafting of legislation and initiates rulemaking requests to the Department of Veterans Affairs. MVA also files suits under the Administrative Procedures Act to obtain judicial review of veterans' legislation and regulations as well as *amicus curiae* briefs in the Courts of Appeal and the Supreme Court of the United States. MVA is also certified as a Continuing Legal Education provider by the State of Louisiana to train attorneys in veterans' law.

MVA is composed of six sections: Blue Water Navy, Agent Orange Survivors of Guam, Veterans of Southeast Asia, Veterans of the Panama Canal Zone and Veterans of Okinawa and At-Risk Veterans. We are a member of the TEAMS Coalition, the Foundation Veteran Outreach Program, and the National Military Veterans Alliance. MVA works closely with Veterans Service Organizations including the United States Submarine Veterans, Inc., the National Association of Atomic Veterans, the Association of the United States Navy, Veterans Warriors, and other groups working to secure benefits for veterans.

MVA has not received any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing, and a disclosure of whether the witnesses is a 4 fiduciary (including, but not limited to, a director or officer)

**Military-Veterans Advocacy's Chairman, Commander John B. Wells
USN (Ret.)**

MVA's Chairman, Commander John B. Wells, USN (Retired) has long been viewed as a technical expert on herbicide exposure. A 22-year veteran of the Navy, Commander Wells served as a Surface Warfare Officer on six different ships, with over ten years at sea. He possessed a mechanical engineering subspecialty, was qualified as a Navigator and for command at sea and served as the Chief Engineer on several Navy ships.

Since retirement, Commander Wells has become a practicing attorney with an emphasis on military and veteran's law. He is counsel on several pending cases concerning herbicide and other toxic exposures. Commander Wells was the attorney on the *Procopio v. Wilkie* case that extended the presumption of herbicide exposure to the territorial sea of the Republic of Vietnam, which laid the groundwork for the Blue Water Navy Vietnam Veterans Act. He has initiated lawsuits on behalf of MVA to further extend the presumption of exposure and authored or co-authored several provisions of the PACT Act. He also initiated judicial review of several provisions of the Appeals Modernization Act which was decided favorably by the Court of Appeals for the Federal Circuit. Since 2010 he has visited virtually every Congressional and Senatorial office to discuss the importance of enacting veterans' benefits legislation. With the onset of covid, Commander Wells has conducted virtual briefings for new Members of Congress and their staffs.

Nature Therapy and At-Risk Veterans.

The tragic epidemic of Veteran Suicide continues to grow. Based on the latest study, almost 6400 veterans per year die by their own hand. This represents an increase of 114 over the previous year. Congress has

appropriated, and the VA has spent, billions of dollars in an unsuccessful attempt to reverse this horrific trend. MVA has introduced a program of nature therapy to help arrest this heart-breaking trend.

Many of those veterans suffer from the terrible twin scourges of post-traumatic stress and traumatic brain injury. Often these veterans also have incurred physical disabilities. Post-Traumatic stress and traumatic brain injury often act to discourage veterans from overcoming their physical infirmities and causing them to sink into the depths of despair. All too often this hopelessness results in the veteran committing suicide.

Studies have shown that nature has a calming effect on those who suffer from this despondency. Enjoying the beauties of nature, through our National Parks, provides the impetus to enjoy life and continue to strive to overcome physical and mental disabilities. The natural beauty of our federal lands helps to counteract the anguish and gloom while stimulating the happiness that humans get from natural beauty. Studies also show that people who are happy and enjoy the pleasures of life do not kill themselves.

Military-Veterans Advocacy® has joined with the Benjamin Ware Legacy Fund, a Canadian charity promoting nature therapy for mental health. Rather than providing specific therapy, the program promotes a "Get Outside Day" to encourage participation in outdoor activities. Scheduled for the second weekend in June, the event embraces "nature therapy" through sponsorship of the "The o2 Project - Get Outside Day" to get people, worldwide, outside and enjoying the natural benefits of Mother Nature. Here in the United States, the concept of "Veterans Get Outside Day" is to get folks especially those suffering from depression, anxiety, TBI or PTS to walk, run, hike, bike ride, or simply to sit in a chair and soak in the sun. The goal of the program is to encourage follow-on therapy available through various non-profits who specialize in various therapies and we will make links available to different outside activities. MVA and the o2 Project jointly sponsor the "10-A-Day" program to encourage veterans and others to spend 10-minutes a day with their favorite non-alcoholic beverage to commune with nature.

The inaugural Veterans Get Outside Day was held in Baton Rouge Louisiana. The United States Senate recognized the benefits of this day by

unanimously adopting S. Res 206 and requested the Secretary of Veterans Affairs to join with the Secretary of the Interior and the Forest Service to jointly promote these events. Unfortunately, a companion House Resolution, H. Res. 387, died in Committee. As a result, the VA refused to participate. Still hundreds of veterans and their families participated in the event throughout the nation. A larger event is planned for June 9, 2024 in Newport, Rhode Island.

The National Parks represent an important part of nature therapy for our veterans and other citizens. Veterans Get Outside Day coincides with the National Park Service's "Get Outdoors Month," of June 2024. Additionally, the Forest Service sponsors the "National Get Outdoors Day" on the second Saturday in June. MVA supports the Forest Service and the Park Service initiatives and will promote them along with our own event. But nature therapy cannot be limited to one day or one month. It must be a year-around effort.

While some efforts have been made to improve access to national parks, it is still hard for a disabled veteran to navigate many of the trails. Even those in an electric scooter or chair find it difficult on many of the trails. It is impossible for those with a manual wheelchair or who suffer from lung issues due to burn pits and other toxic exposure. While many veterans are capable of enjoying the National Parks on foot, by bicycle, or even in a motor vehicle, physical limitations make it impossible for those who are wheel-chair bound, amputees or those with vertigo and balance problems. The obvious answer for those veterans is an air tour by helicopter or fixed-wing aircraft. We do not feel that this is the best approach, but currently it is the only one. We urge the Subcommittee to consider other ground options such as a tram for some of the areas that are difficult to reach any other way. MVA believes that the National Parks must be an integral part of the nature therapy initiative.

A review of the 2020 annual Air Tour report showed no provision for disabled persons or disabled veterans. Nor is there any reporting provision for these groups. The ATMPs for the Badlands, Great Smoky Mountains, Glacier, Mount Rushmore and many other parks do not address the needs of disabled veterans. Provisions must be made for disabled veterans who are wheel-chair bound. The tours must also make provisions for service dogs. ATMPs must address these challenges.

MVA is concerned that any limitations on air access to the National Parks, including the exclusion of commercial air tour companies will negatively affect our nature therapy program. It is our position that Congress should require all ATMPs to address requirements to ensure air access by those persons with physical and mental disabilities. We further believe that the VA should be included in the process of revising and formulating ATMPS and maintain membership on the National Parks Overflight Advisory Group.

Veterans with post-traumatic stress and traumatic brain injury are casualties of war. They may or may not qualify for the Purple Heart but they are still casualties and we should treat them as such. While safety concerns are paramount, and preservation of natural sounds are important, Congress should move to expand rather than limit airborne access to the National Parks – especially for our disabled veterans. Commercial air tours who can provide for disabled veteran access must not be excluded.

MVA thanks the Committee for its interest in veterans and MVA's nature therapy program. We hope that you will work with us to further expand this program/

A handwritten signature in black ink on a light yellow background. The signature is cursive and reads "John B. Wells".

John B. Wells
Commander USN (retired)
Chairman