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Legislation Pending for Blue Water Veterans

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Column by Stacey R. Hopwood, Clarksville, TN

According to a recent news release, U.S. Sens. Kirsten Gillibrand, D-N.Y., and Lindsey Graham, R-S.C., have introduced legislation to ensure that more than 250,000 Navy veterans from the Vietnam War will be eligible to receive benefits for diseases linked to Agent Orange exposure.

During the Vietnam War, the U.S. military sprayed approximately 20 million gallons of Agent Orange to remove jungle foliage. This toxic chemical had devastating health effects for everyone serving in Vietnam.

In 1991, Congress passed a law requiring the Department of Veterans Affairs to provide presumptive coverage to Vietnam veterans with illnesses that the Institute of Medicine has directly linked to Agent Orange exposure. However, in 2002 the VA determined that it would cover only veterans who could prove they had "boots on the ground" during the Vietnam War. This exclusion prevents as many as 250,000 sailors who may have received significant Agent Orange exposure from receiving VA benefits.

"Because of technicality in the law, hundreds of thousands of American veterans are being denied the benefits they need and deserve," Gillibrand said. "Our government must fulfill its commitment to the service members who have fallen victim to Agent Orange-related disease and enact new legislation that will provide our vets with the benefits they have earned. It is time that we correct the errors of the past."

Graham said, "This is a legacy issue that needs to be dealt with. There are Vietnam vets who are suffering from Agent-Orange related illnesses and we need to ensure they are getting the care they need. It's now time to ensure the government takes care of their needs which were incurred during their defense of our nation."

Blue Water Navy veterans are those who were on duty in the waters around Vietnam, but did not have "boots on the ground" service nor did they traverse inland waterways. However, recent studies have shown that Agent Orange contaminated the water sources on ships; affected those onboard ships or aircraft that transported Agent Orange; as well as ships and aircraft deployed in close proximity or downwind from Agent Orange drop sites.

A May 2011 report by the Institute of Medicine established several plausible routes for Agent Orange exposure both through the water distillation process aboard Navy ships and through airborne contamination.

The Agent Orange Equity Act of 2011, S.1629, would clarify existing law so that Blue Water veterans would be fully covered by the VA if they served within the territorial seas, or approximately 12 miles offshore of Vietnam. The bill would make it easier for the VA to process these claims and would extend presumptive coverage of Agent Orange benefits to these veterans.

The bill was sent to the Senate Committee on Veterans' Affairs on Sept. 23 with no further action taken. There is a companion bill in the House, H.R. 812, which was sent to committee in March. If you support this legislation, contact your elected officials and ask them not to let these bills die in committee.

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