

Blue Water Navy Vietnam Veterans Act- One Pager

H.R. 543, the Blue Water Navy Vietnam Veterans Act of 2013 (BWNVVA), would grant presumptive Agent Orange exposure status to US servicemembers who served in the territorial seas* of Vietnam during the Vietnam War. Presumptive coverage would enable eligible veterans to receive Veterans Affairs (VA) benefits if they suffer from any of the diseases the U.S. government has linked to Agent Orange.

Background:

During the Vietnam War, more than 20 million gallons of the herbicide “Agent Orange” was sprayed to remove jungle foliage. A toxic chemical in the herbicide, dioxin, was been linked by the VA and other government agencies to devastating health effects, including non-Hodgkins Lymphoma, prostate and other cancers, Type II Diabetes, and Parkinson’s disease. The Agent Orange Act of 1991 empowered the Secretary of Veterans Affairs to declare certain illnesses “presumptive” to exposure to Agent Orange and enabled Vietnam veterans to receive disability compensation for these related conditions.

Why this legislation is needed:

In 2002, the VA limited the scope of the Agent Orange Act to only those veterans who could provide orders for “boots on the ground” in Vietnam which encompassed ground forces and the riverine (Brown Water) Navy. As a result, veterans who served in the waters off the coast of Vietnam were forced to file individual claims with the VA to restore their benefits, which are then decided on a case-by-case basis.

The VA has denied 32,880 such claims through 2009.

The legislation:

This bill gives presumptive coverage and lifts the burden from the individual veteran to prove direct exposure to Agent Orange. Proving exposure is a nearly impossible task due to a lack of record keeping and the inability to know the precise location of dioxins in the air and groundwater runoff. The bill extends the same presumption that currently exists for veterans who served on land and inland waterways. It would also reduce backlogged VA claims for disability compensation from these veterans who are suffering from diseases that the U.S. government has linked to Agent Orange.

Important items related to the BWNVVA:

- 1. Compensation:** Title 38, United States Code, is amended by inserting “including the territorial seas of such Republic” after “served in the Republic of Vietnam” each place it appears.
- 2. Health Care:** Section 1710(e)(4) of such title is amended by inserting “including the territorial seas of such Republic” after “served on active duty in the Republic.”
- 3. Effective Date:** The amendments made take effect as of September 25, 1985.

***Territorial Seas** were officially defined by the 1982 United Nations Convention on the Law of the Sea. The agreement stipulates that, “every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.” Normally, the baseline from which the territorial sea is measured is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal state. This is either the low-water mark closest to the shore.