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2013 VVA Convention Resolution
Proposed by the AGENT ORANGE COMMITTEE
ADOPTED by Vietnam Veterans of America
BLUE WATER VETERANS EXPOSURE DURING THE VIETNAM WAR
AO – 16

Issue:

During the Vietnam War, more than 20 million gallons of “Agent Orange” and other toxic herbicides was sprayed to remove jungle foliage and deny the enemy the ability to grow crops. Toxic chemicals in the herbicide have been linked to devastating health effects, including non-Hodgkin’s Lymphoma (NHL), various cancers, Type II Diabetes, and Parkinson’s disease. The Agent Orange Act of 1991 empowered the VA Secretary to declare certain illnesses “presumptive” to exposure to Agent Orange and other toxic herbicides and enabled veterans to receive disability compensation for these related conditions. In March 2002, the VA stopped awarding benefits to the approximately 534,300 blue water US Navy and US Marine Corps veterans (of whom, 174,925 are known to be alive as of the end of 2011) and limited the scope of the Agent Orange Act to only those veterans who could provide proof of “boots on the ground” in Vietnam which encompassed ground forces and the inland rivers. As a result, veterans who served in the waters off the Vietnamese coast were required to file individual claims to restore their benefits, which were then decided on a case-by-case basis. The VA has denied 33,000+ such claims through 2011. Scientific studies showed a higher rate of cancer and NHL incidence among shipboard veterans than those who fought in-country. Studies also show that there was a plausible pathway for Agent Orange and other toxic herbicides to have discharged to the territorial seas, via rivers and streams. Other studies proved the distillation process that converted salt water to drinking water, enriched the dioxin and contaminated the shipboard potable water system.

Background:

Congressman Christopher Gibson, (NY) has introduced in the 113th Congress, H.R. 543 the Blue Water Navy Vietnam Veterans Act of 2013 which would partially restore the presumptive coverage that existed prior to March 2002 and lifts the burden from the individual veteran to prove direct exposure to toxic herbicides. Proving exposure is nearly impossible due to a lack of record keeping and the inability to know the precise location of dioxins in the air and water 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 veterans who are suffering from diseases that the U.S. government has linked to Agent Orange and other toxic herbicides. Specifically, the legislation would grant presumptive herbicide exposure status to US servicemembers who served in the *territorial seas** of Vietnam during the Vietnam War. This 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 and other toxic herbicides. These measures (S-1629 and H.R. 3612) were supported in the 112th Congress by the Military Coalition, the American Legion and Vietnam Veterans of America.

Resolved, That:

Vietnam Veterans of America, in light of several National Academy of Sciences (NAS) reports, demands that the U.S. Congress move swiftly to enact H.R 543 the Blue Water Navy Vietnam Veterans Act of 2013 to retroactively reinstate eligibility to blue water veterans for illnesses and disabilities related to the delayed effects of exposure to the ingredients in Agent Orange and other toxic herbicides used primarily in Vietnam. Additionally, VVA seeks to ensure that the new measures would mandate that:

1. 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. 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. The amendments made take effect as of September 25, 1985.

**Territorial Seas were officially defined by the 1958 Treaty on the Territorial Seas and Contiguous Zone. This 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 the Treaty. Vietnam uses the straight baseline method which measures the baseline from the low water marks of the outermost islands along the coast as marked on large-scale charts officially recognized by the coastal state. The territorial seas and the waters landward of the baseline are considered to be the sovereign territory of the coastal state.*

Adopted by a majority voice vote by Vietnam Veterans of America at its 16th national convention in Jacksonville, Florida on 16 August 2013