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Agent Orange Benefits Bill Would Help Sick Veterans Receive Care

To Assist Those Excluded By Technicality

U.S. Sen. Kirsten Gillibrand has introduced new legislation to ensure that more than 800,000 Vietnam veterans exposed to the powerful toxin Agent Orange receive the health coverage they have earned.

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

In 1991, Congress passed a law requiring the Veterans Administration (VA) to cover all illnesses that were directly linked to Agent Orange exposure. However, in 2002 the VA determined that it would only cover Veterans with “boots on the ground” during Vietnam. This exclusion bars as many as 800,000 sailors and airmen— including at least 13,500 New York veterans—who may have still received significant Agent Orange exposure from receiving presumptive treatment.

“Because of technicality in the law, hundreds of thousands of American veterans are being denied the health care 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. Agent Orange is a very difficult chapter in our nation’s history. It is time that we correct the errors of the past.”

During Vietnam, Blue Water Navy Vets—veterans that were on duty in the air, land and sea around Vietnam, but did not have “boots on the ground”—were often exposed to Agent Orange on a daily basis. Agent Orange contaminated water sources on ships, infected veterans onboard ships or aircraft that transported barrels of Agent Orange, and ships and aircraft deployed in close proximity or even downwind from Agent Orange drop sites.

Veterans who served on Johnston Island, where Agent Orange was stored, shipped, and incinerated, are also excluded from VA coverage.

This summer, a study by the Institute of Medicine cited exposure to Agent Orange resulted in an increased change of developing serious heart problems and Parkinson’s disease. A 1990 study by the Centers for Disease Control and Prevention (CDC) showed Vietnam veterans had a rate of non-Hodgkin’s lymphoma 50 percent higher than the general population. Agent Orange is behind a range of other diseases, including several blood and respiratory cancers, type II diabetes, prostate cancer and more.

In 2005, the VA’s former Director of Environmental Agents Service Dr. Mark Brown publicly acknowledged that there was no scientific basis for the exclusion of Blue Water Vietnam veterans, but the VA has continued to refuse these veterans the presumptive benefits Congress initially intended. In his article in the *Journal of Law and Policy*, Brown wrote, “Science does not back up the VA’s policy on the Navy.”

The bill Senator Gillibrand introduced, “the Agent Orange Equity Act of 2009,” would clarify the existing law so Blue Water veterans and every servicemember awarded the Vietnam Service medal, or those deployed to land, sea, or air in Vietnam would be fully covered by the VA. The bill would make it easier for the VA to process Vietnam War veterans’ claims for service-connected conditions by extending the VA’s presumptive coverage of Agent Orange benefits to all Vietnam veterans.

In addition, Gillibrand also introduced legislation entitled the Agent Orange Children’s Study (AOCS) that would require the VA to complete a study the effects Agent Orange has on the children of veterans exposed to Agent Orange. Vietnam veterans’ children have long been thought to be vulnerable to the effects of Agent Orange, which is suspected of having an effect on human stem cells and thereby on future generations.

While the Veterans Benefits Act of 2003 ensured that spina bifida benefits were extended to children of Vietnam veterans, this is currently the only birth defect the VA recognizes as being associated with Agent Orange exposure. As part of the study, the Secretary of Veteran Affairs would review and evaluate the available scientific evidence regarding associations between diseases in children, including multiple sclerosis and asthma, and the exposure of their parents to dioxin and other chemical compounds associated with Agent Orange.

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