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Congress Must Act to Restore Earned Benefits to All Vietnam Veterans – Including “Blue Water” Vets!

FOR IMMEDIATE RELEASE

July 23, 2008

Washington, D.C. – On Wednesday, July 23, 2008, House Veterans' Affairs Committee Chairman Bob Filner (D-CA) held a press conference to announce the introduction of H.R. 6562, the Agent Orange Equity Act of 2008. The bill restores equity to all Vietnam veterans that were exposed to Agent Orange.

“We owe it to our veterans to fulfill the promises made to them as a result of their service,” said Chairman Filner (D-CA). “If, as a result of service, a veteran was exposed to Agent Orange and it has resulted in failing health, this country has a moral obligation to care for each veteran the way we promised we would. And as a country at war, we must prove that we will be there for all of our veterans, no matter when they serve. The courts have turned their backs on our veterans, but I believe this Congress will not allow our veterans to be cheated of their earned benefits.”

Jeff Davis, a Navy blue water veteran, spoke at the press conference. Davis served in Vietnam in 1966 on the U.S.S. Fiske and spoke of his military experience. He called for Congress to direct the Department of Veterans Affairs (VA) to provide benefits to the Vietnam veterans that fought in the air and on the sea and are not currently receiving the benefits they have earned.

Ron Abrams, Executive Director, National Veterans Legal Services Program, shared the history of disability benefits for blue water veterans. He said, “From 1991 to 2002, the VA granted hundreds, if not thousands of disability claims filed by Navy blue water veterans suffering from one of the many diseases that VA recognizes as related to Agent Orange exposure. These benefits were awarded based on VA rules providing that service in the waters offshore Vietnam qualified the veteran for the presumption of exposure to Agent Orange. In February 2002, VA did an about face and required veterans to have ‘actually served on land within the Republic of Vietnam... to qualify for the presumption of exposure to’ Agent Orange. As a result, all pending and new disability claims filed by Navy blue water veterans for an Agent Orange-related disease were denied unless there was proof that that the veteran actually set foot on Vietnamese soil. In addition, the VA began to sever benefits that had been granted to Navy blue water veterans prior to the 2002 change in VA rules.”

Rick Weidman serves as the executive director for policy and government affairs of Vietnam Veterans of America. He spoke of the need for proper government funding for research on this issue. “The current administration is not funding any research on the consequence of Agent Orange exposure – not at the VA, not at the Department of Defense, not at the National Institutes of Health, nor at the Environmental Protection Agency. The only unforgivable sin is willful ignorance which results in indifference to suffering. What is happening now is in fact willful ignorance.”

The Agent Orange Equity Act of 2008 would clarify the laws related to VA benefits provided to Vietnam War veterans suffering from the ravages of Agent Orange exposure. In order to try to gain a better military vantage point, Agent Orange, which we now know is a highly toxic cocktail of herbicide agents, was widely sprayed for defoliation and crop destruction purposes all over the Vietnam War Battlefield, as well as nearby nations. It was also stored on U.S. vessels and used for vegetation clearing purposes around U.S. bases, landing zones and lines of communication.

Currently, VA requires Vietnam veterans to prove “foot on land” in order to qualify for the presumptions of service-connection for herbicide-exposure related illnesses afforded under current law. This issue has been the subject of much litigation and on May 8, 2008, the Federal Circuit Court of Appeals upheld VA's overly narrow interpretation. Congress clearly did not intend to exclude these veterans from compensation based on arbitrary geographic line drawing by VA.

The Agent Orange Equity Act of 2008 is intended to clarify the law so that every service member awarded the Vietnam Service medal, or who otherwise deployed to land, sea or air, in the Republic of Vietnam is fully covered by the comprehensive Agent Orange laws Congress passed in 1991. If enacted, this bill will make it easier for VA to process Vietnam War veterans' claims for service-connected conditions that scientists have conclusively linked to toxic exposures during the Vietnam War and that are identified in current law.

Chairman John Hall leads the Subcommittee on Disability Assistance and Memorial Affairs, the subcommittee with jurisdiction over these issues. He stated, “With this legislation, Congress will leave no doubt that the ‘Blue Water Navy’ and all combat veterans of Vietnam are intended to be covered and compensated; thus ensuring that these veterans will receive the disability benefits they earned and deserve for exposure to Agent Orange. This is the cost of war. We asked these brave men and women to fight for us and serve their country, and it is a grave injustice that they have had to wait this long for treatment. We must place care of our soldiers among our top priorities. This applies for all past, present, and future conflicts.”

“Time is running out for these veterans,” concluded Chairman Filner. “Many are dying from their Agent Orange related diseases, uncompensated for their sacrifice. There is still a chance for America to meet its obligations to these noble veterans. I will work with my Congressional colleagues to provide the earned disability benefits and health care to the thousands of Navy blue water veterans and survivors that earned this care in battle.”

SOURCE: <http://veterans.house.gov/news/PRArticle.aspx?NewsID=290>