

Congress of the United States
Washington, DC 20515

September 21, 2018

The Honorable Johnny Isakson
Chairman
Senate Veterans' Affairs Committee
Russell Senate Building
Washington, DC 2051

The Honorable Jon Tester
Ranking Member
Senate Veterans' Affairs Committee
Russell Senate Office Building
Washington, DC 2051

Dear Chairman Isakson and Ranking Member Tester,

One of the primary responsibilities of the United States Government is to ensure those who have fought for our freedom are afforded the care and benefits they deserve upon their return home. As you are no doubt aware, thousands of veterans who served in the territorial seas of Vietnam or "blue water" are now suffering from higher rates of diseases associated with exposure to the herbicide Agent Orange. Despite this, the Department of Veterans Affairs continues to deny claims from Blue Water Navy Veterans, creating significant hardship for these brave Americans who are suffering from chronic health conditions resulting from their exposure.

During the Vietnam War, approximately twenty million gallons of Agent Orange were sprayed over the Republic of Vietnam, contaminating the land, rivers, harbors, and territorial seas. Under the *Agent Orange Act of 1991*, Blue Water Navy Veterans were initially entitled to presumptive service connection, relieving them of the burdensome process of producing evidence that directly establishes service connection for a specific health condition. However, in 2002, the VA reinterpreted the language of the *Agent Orange Act of 1991* to apply only to veterans who served in the inland waterways or actually set foot in the Republic of Vietnam, thus depriving Blue Water Navy Veterans of presumptive service connection.

On June 25, 2018, the U.S. House of Representatives unanimously passed, H.R. 299, the *Blue Water Navy Vietnam Veterans Act*, which would reverse the VA's 2002 decision and provide these brave veterans the care they need. As I am sure you understand, it is disappointing that following this vote the VA continues to dispute these veterans' exposure claims before the Senate Committee on Veterans' Affairs. This is a complete reversal from VA Secretary David Shulkin's testimony in previous hearings, which expressed doubt with the VA's longstanding position. This vote demonstrates the entire House believes the science supports these veterans' exposure claims, and it is time to provide for them here at home before it is too late.

During his testimony before the Senate Committee, Dr. Ralph Erickson testified that the ships did not distill water within twelve nautical miles of shore, which is untrue. The Institute of Medicine has found that this guidance was often ignored, and the water distillation process often took place close to land and in the harbors of Vietnam. Additionally, studies have shown that a toxic level of dioxin remained in the harbor sediment for at least twenty years after the war.

Furthermore, Dr. Erickson testified before the committee that he believed the methodology used in the Australian study was flawed. This study showed the toxicity of the dioxin was actually enriched by the distillation process and two separate committees at the Institute of Medicine have confirmed the methodology used.

Regardless of these discrepancies in the VA's argument, the VA's testimony fails to account for one critical aspect – time. Decades have elapsed since the conclusion of the Vietnam War, making it extremely difficult, if not impossible, to prove definitively the presence of Agent Orange within the U.S. Navy ships' water distillation systems. However, in our opinion, this population of veterans' higher rates of diseases associated with the herbicide Agent Orange speaks for itself. These veterans have proven to their countrymen they were willing to put their lives on the line to defend our freedom, but the VA continues to require they prove they are now suffering from adverse health effects as a result of that service and sacrifice. This is not the way America should be treating our nation's heroes.

We respectfully urge you to pass H.R. 299, the *Blue Water Navy Vietnam Veterans Act* through the Senate Veterans' Affairs Committee as swiftly as possible in order to move the bill to the Senate floor for a vote.

Thank you for your service to our nation's veterans, and we look forward to working with you to ensure that all who fought for their country receive the best quality care when they return home.

Sincerely,



David G. Valadao
Member of Congress

Elie M. Stefan (NY-21)

Cathy McHenry Rodgers

Clayton (LA-03)

Paul P. (FL-02)

Gus M. Bilirakis (FL-12)

(TX-19)

1-1-1 NY-01

Damon Soto

Susan W. Brooks

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[Signature]

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Gen Guter WI-6

[Signature]

[Signature] OH-15

Jim Walberg MI-07

Anna Maria C. Ladner Mo Brooks AL-05

Fred W. Lucas OK-03

Robert D. Bishop GA-02

Bill Long (FL-8)

Charlie Crist FL-13

Brendan J. Boyle (PA-13)

[Signature] NY-13

[Signature]

Robert Aderholt

Keith J. Rothfus

Jon B. NE-02

Rody Davis (IL-13)

Kyrsten Sinema (AZ-09)

NDL

Randy X. Weber

Bill Johnson (OH-6)

John Vargas (CA-51)

Jim Hahn (NY-19)

1412 (NY-24)

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Mike (WI-02)

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Carl L. Camp

MT (MT-00)

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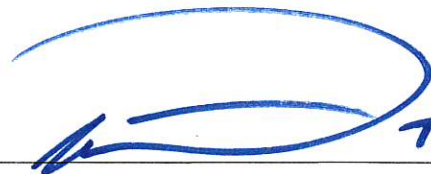
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(SC-05)

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Aue Leibel (IA-02) Bonni Watson Coleman (NJ-12)

John B. Lauer (CT-01)

Bruce Westerman

John A. A. (NJ-03)

Dean GT Thompson

Dan B. (VA-07)

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Gene R. (FL-17)

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Louis Gohmert (TX-01)

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Bob Dill (OH-07)

Joe Courtney (CT-2)

Joyce Beatty OH-3

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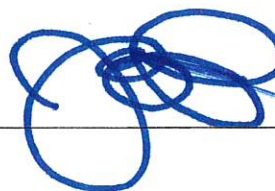
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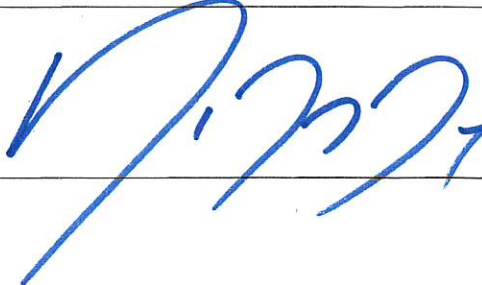
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Al Green FL-15

 FL-25