

## **Gillibrand, Graham To Help 250,000 Vietnam Vets Harmed By Agent Orange, But Ignored By Feds Due To Technicality In The Law**

Current Law Would Require VA to Provide Benefits for Service Members Exposed to Agent Orange On Dry Ground, But Ignores Vets In the Water

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*Washington, DC* – U.S. Senators Kirsten Gillibrand (D-NY) and Lindsey Graham (R-SC) introduced legislation to ensure that more than 250,000 Navy veterans from the Vietnam War exposed to the powerful toxin Agent Orange will be eligible to receive the disability and health care benefits they have earned for diseases linked to Agent Orange exposure. During the Vietnam War, the U.S. military sprayed approximately 20 million gallons of Agent Orange in Vietnam to remove jungle foliage. This toxic chemical had devastating effects for millions serving in Vietnam. In 1991, Congress passed a law requiring the Veterans Administration (VA) to provide presumptive coverage to Vietnam veterans with illnesses that the Institute of Medicine has directly linked to Agent Orange exposure. However, in 2002 the VA determined that it would only cover Veterans who could prove that they had orders for “boots on the ground” during the Vietnam War. This exclusion affects as many as 250,000 sailors who may have still received significant Agent Orange exposure from receiving VA benefits.

“Because of technicality in the law, hundreds of thousands of American veterans are being denied the benefits they need and deserve,” **Senator 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 disability compensation and healthcare 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.”

“This is a legacy issue that needs to be dealt with,” said **Senator Graham**. “There are Vietnam vets who are suffering from Agent-Orange related illnesses and we need to ensure they are getting the care they need. It’s now time to ensure the government takes care of their needs which were incurred during their defense of our nation.”

During Vietnam, the U.S. military sprayed 20 million gallons of Agent Orange. Blue Water Navy Vets – veterans who were on duty in the waters around Vietnam, but did not have “boots on the ground” – were often exposed to Agent Orange on a daily basis. Studies have shown that Agent Orange contaminated the water sources on ships, affecting 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.

A May 2011 report by the Institute of Medicine established several “plausible routes” for Agent Orange exposure through the water distillation process aboard Navy ships and through the air. In 2010, a study by the Institute of Medicine cited exposure to Agent Orange resulted in an increased chance 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 linked

to 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*, Dr. Brown wrote, "Science does not back up the VA's policy on the Navy."

Senators Gillibrand and Graham introduced the *Agent Orange Equity Act of 2011*, which would clarify the existing law so that Blue Water veterans would be fully covered by the VA if they served within the "territorial seas," or approximately 12 miles offshore of Vietnam. The bill would make it easier for the VA to process Vietnam War veterans' claims for service-connected conditions and alleviate a portion of the VA's backlog by extending presumptive coverage of Agent Orange benefits to these veterans.