

# Congress of the United States

Washington, DC 20515

February 25, 2016

The Honorable Robert A. McDonald  
Secretary of Veterans Affairs  
810 Vermont Avenue NW  
Washington, DC 20420

The Honorable Sloan D. Gibson  
Deputy Secretary of Veterans Affairs  
810 Vermont Avenue NW  
Washington, DC 20420

Dear Secretary McDonald and Assistant Secretary Gibson,

We write to you regarding an issue of pressing interest to us and our constituents: the exposure to Agent Orange of "Blue Water Navy" Vietnam Veterans who served in the bays, harbors, and territorial seas off of Southern Vietnam during the Vietnam War. We are greatly concerned that these Veterans have long been overlooked since the 2002 regulatory change, which excluded them from presumptive coverage for illnesses connected to Agent Orange exposure.

This 2002 decision swung the pendulum too far, excluding tens of thousands of Veterans who were exposed while serving offshore through direct exposure and through their ships' distillation processes. With significant medical and other research data, including evidence compiled by the Australians that has led to Australia's recognition of Agent Orange exposure for these Veterans, over three quarters of the United States Congress (341 total Members of Congress, including 303 Representatives and 38 Senators) support H.R. 969 and S. 681, the *Blue Water Navy Vietnam Veterans Act* to correctly extend presumptive coverage for Agent Orange exposure to those who served in the Territorial Seas and bays and harbors of South Vietnam.

Furthermore, we also recognize that, pursuant to the Court of Appeals for Veterans Claims decision in *Gray v. McDonald*, the VA was required to redefine "inland waterways." Unfortunately, in our view the VA did not comply with the intent of this court ruling and "doubled down" on their regulations excluding thousands of Navy sailors and Marines from coverage.

Given the above, we respectfully request a response detailing how VA came to this conclusion. Specifically, we are:

1. Seeking clarity on whether the VA consulted with outside experts and other stakeholders, including the Australian government, when making the 2002 decision and the recent February 2016 regulatory changes pursuant to the *Gray* decision;
2. Seeking an explanation for why those who served within Nha Trang Harbor, specifically, were not included for presumptive coverage despite proof that Agent Orange dioxin was found in the bottom sediment 20 years after the war.

In conclusion, we thank you for your service to our nation's Veterans and hope that you will work with us and over three quarters of the United States Congress to once again appropriately recognize the service of thousands of Vietnam Veterans and their exposure to the horrific health challenges experienced due to exposure to Agent Orange.

Sincerely,



Chris Gibson  
Member of Congress



Kirsten Gillibrand  
United States Senator



David Valadao  
Member of Congress



Steve Daines  
United States Senator