



HOUSE COMMITTEE ON

VETERANS' AFFAIRS

Republicans | Ranking Member Phil Roe, M.D.

H.R. 299: The Blue Water Navy Vietnam Veterans Act of 2019

Background:

Agent Orange, an herbicide the United States government used during the Vietnam era, is associated with certain health issues for those who have been exposed to it. According to [The Agent Orange Act of 1991](#), if a veteran served in “The Republic of Vietnam” between 1962 and 1975 and has a disease that has been associated with exposure to Agent Orange (such as prostate cancer or Parkinson’s disease) that veteran is automatically presumed to have been exposed to Agent Orange and, therefore, qualified for disability compensation from the Department of Veterans Affairs (VA). This is known as a presumption of service-connection for Agent Orange exposure.

VA has considered “service in the Republic of Vietnam” to include service on the landmass of Vietnam and Vietnam’s inland waterways. This excluded veterans who served on ships off the coast of Vietnam, or “Blue Water Navy Vietnam veterans.” In January of 2019, the Federal Circuit overturned VA’s interpretation of the Agent Orange Act of 1991 in the case of *Procopio v. Wilkie*, ruling that the “Republic of Vietnam” included Vietnam’s territorial seas. While the court’s ruling made some Blue Water Navy Vietnam veterans eligible for the presumption of service-connection for Agent Orange exposure, it did not define territorial seas. This bill would fully define Vietnam’s offshore waters - which encompass the territorial seas - and ensure that the Blue Water Navy Vietnam veterans who were potentially exposed to Agent Orange during their service are eligible for a presumption of service-connection by VA for such exposure. This bill mirrors the bipartisan [Blue Water Navy Vietnam Veterans Act of 2017](#), which passed the House during the 115th Congress by a vote of 382 – 0.

The Message:

- H.R. 299 would extend the presumption of exposure to Agent Orange to veterans who served in the Blue Water Navy during the Vietnam War, ensuring that these veterans receive the disability benefits that they earned.
- This bill ensures equity for all Vietnam-era veterans and rightfully recognizes the service they performed and the sacrifices they made.
- During the 115th Congress, a similar version of this bill passed the House 382-0 with overwhelming support from veterans’ service organizations.