

VETERANS OF FOREIGN WARS
OF THE UNITED STATES

FOUNDED 1899



KEITH E. HARMAN
COMMANDER-IN-CHIEF

VFW MEMORIAL BUILDING
200 MARYLAND AVENUE, NE
WASHINGTON, DC 20002-5799

November 2, 2017

The Honorable Donald J. Trump
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

On behalf of the nearly 1.7 million members of the Veterans of Foreign Wars of the United States (VFW) and its Auxiliary, I write to ask you to correct a 15-year injustice that currently impacts some 110,000 so-called "Blue Water Navy" veterans.

The *Agent Orange Act of 1991* created the presumptive conditions list that provides disabled Vietnam veterans both compensation benefits and VA-provided health care. Blue Water Navy veterans were initially included under this law, but a regulation change in 2002 exempted them. Since the two previous administrations from both parties have failed to correct this inequity, members of Congress have repeatedly tried and failed to pass the *Blue Water Navy Vietnam Veterans Act*, which would correct this wrong.

In today's markup, House Veterans Affairs Committee Chairman Phil Roe (R-Tenn.) and Ranking Member Tim Walz (D-Minn.) discussed how to offset the cost of passing H.R. 299, which the Congressional Budget Office has estimated to cost more than \$1 billion over 10 years. A recommendation to round down annual cost-of-living increases to the next whole percentage point was rightfully dismissed because it would force one group of disabled veterans to pay for expanded care for another group of disabled veterans. Due to Congress' failed attempts to restore benefits for Blue Water veterans, we ask for your intervention.

In reviewing the *Agent Orange Act of 1991*, one can clearly see that the intent was to use science, not cost, as the driving factor to address the needs of all Vietnam veterans. Ensuing regulation changes made it harder for Blue Water Navy veterans to prove a service-connection to whatever presumptive condition they were claiming. Those changes were also slammed as being "arbitrary and capricious" by the U.S. Court of Appeals for Veterans Affairs in **Gray v. McDonald**.

As President, you have the authority to end this injustice. You have stated time and time again that you would take care of our nation's veterans. We believed you when you spoke those words before the VFW's 117th National Convention in Charlotte, N.C., last year, and that is why I write today. You ordering the reinstatement of Blue Water Navy veterans with other Vietnam veterans under the presumptive conditions associated with Agent Orange is the right thing to do.

Respectfully,

A handwritten signature in cursive script that reads "Keith E. Harman".
KEITH E. HARMAN
Commander-in-Chief