

Congress of the United States
House of Representatives
Washington, DC 20515-1317

August 8, 2019

The Honorable Robert Wilkie
Secretary of Veterans Affairs
810 Vermont Avenue NW
Washington, D.C. 20420

Dear Secretary Wilkie,

I write today to raise concerns consistently voiced by veterans across my district regarding the Department of Veterans Affairs' (VA) implementation of the Agent Orange presumption for Blue Water Navy veterans.

Like these veterans that reach out to my office, I was pleased when the Blue Water Navy Vietnam Veterans Act (Pub.L. 116-23) was passed by Congress and signed into law, and I was proud to have cosponsored and voted in favor of this legislation. After a decades-long fight, veterans of the Vietnam and Korean Wars who served off the coast of Vietnam and in the DMZ finally won coverage of medical conditions associated with the herbicide Agent Orange. This legislative victory came on the heels of a court victory when the Justice Department formally chose not to challenge the ruling in *Procopio v. Wilkie* that established Blue Water Navy veterans are entitled to Agent Orange presumption.

However, the VA has announced that it will not begin processing Blue Water veteran claims until January 1, 2020. While this is when the Blue Water Navy Vietnam Veterans Act goes into effect, the VA already has the authority to process these claims under *Procopio v. Wilkie*. Given the age of Vietnam and Korean War veterans, as well as the devastating illnesses that result from Agent Orange exposure, I strongly urge that the VA reconsider this stay on processing claims. Furthermore, I request answers to the following questions by September 1, 2019:

- Does the VA believe it has the authority to process Blue Water Navy veterans' claims prior to January 1, 2020?
- What are the non-statutory reasons for issuing a stay on processing these claims until January 1, 2020?
- If capacity is an issue, has the VA considered alternative implementation schedules to processing claims?
- How many Blue Water Navy veterans are believed to have been exposed to Agent Orange, and how many of those veterans are still living today?

- What is the VA's plan for identifying and notifying affected veterans of their eligibility for benefits? Does the VA plan to work with veterans' service organizations (VSOs) to help notify veterans?

Finally, as a member of the House Appropriations Subcommittee on Military Construction and Veterans Affairs, I urge you to regularly communicate to Congress any needs that the VA faces as these processes are implemented.

Thank you for your prompt consideration of this request.

Sincerely,



Cheri Bustos
Member of Congress