Military-Veterans Advocacy Written Testimony

Examining the impact of exposure to toxic chemicals on veterans and the VA's response

Submitted to the United States Senate
Veterans Affairs Committee

Commander John B. Wells, USN (Retired),
Executive Director
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Introduction

Distinguished Committee Chairman Johnny Isakson, Ranking Member Richard Blumenthal and other members of the Committee; thank you for the opportunity to respond to the Department of Veterans' Affairs on the Blue Water Navy Vietnam Veterans Act (S. 681).

About Military-Veterans Advocacy

Military-Veterans Advocacy Inc. (MVA) is a tax exempt IRC 501[c][3] organization based in Slidell Louisiana that works for the benefit of the armed forces and military veterans.

Through litigation, legislation and education, MVA works to advance benefits for those who are serving or have served in the military. In support of this, MVA provides support for various legislation on the State and Federal levels as well as engaging in targeted litigation to assist those who have served.

Along with the Blue Water Navy Vietnam Veterans Association, Inc (BWNVVA) MVA has been the driving force behind the Blue Water Navy Vietnam Veterans Act (S. 681). Working with Members of Congress and United States Senators from across the political spectrum, MVA and BWNVVA provided technical information and support to sponsors who have worked tirelessly to restore the benefits stripped from the Blue Water Navy veterans thirteen years ago. The bill currently has 26 co-sponsors. Currently the House companion bill, HR 969, has in excess of 273 co-sponsors. The bill has the support of the American Legion and the Military Coalition.

Military-Veterans Advocacy further supports the enactment of S-901. This bill will establish a toxic exposure research facility to ascertain the effects of all toxic exposures on veterans and their descendants.

Military-Veterans Advocacy's Executive Director Commander John B. Wells USN (Ret.)

MVA's Executive Director, Commander John B. Wells, USN (Retired) has long been viewed as the technical expert on S. 681. A 22 year veteran of the Navy, Commander Wells served as a Surface Warfare Officer on six different ships, with over ten years at sea. He possessed a mechanical engineering subspecialty, was qualified as a Navigator and for command at sea, and served as the Chief Engineer on several Navy ships. As Chief Engineer, he was directly responsible for the water distillation and distribution system. He is well versed in the science surrounding this bill and is familiar with all aspects of surface ship operations.

Since retirement, Commander Wells has become a practicing attorney with an emphasis

on military and veterans law. He is counsel on several pending cases concerning the Blue Water Navy and has filed amicus curiae briefs in other cases. Since 2010 he has visited over 400 Congressional and Senatorial offices to discuss the importance of enacting this bill. He is recognized in the veterans community as the subject matter expert on this matter.

Agent Orange and the Blue Water Navy

In the 1960's and the first part of the 1970's the United States sprayed over 12,000,000 gallons of a chemical laced with 2,3,7,8-Tetrachlorodibenzodioxin (TCDD) and nicknamed Agent Orange over southern Vietnam. This program, code named Operation Ranch Hand, was designed to defolia

te areas providing cover to enemy forces. Spraying included coastal areas and the areas around rivers and streams that emptied into the South China Sea. By 1967, studies initiated by the United States government proved that Agent Orange caused cancer

and birth defects. Similar incidence of cancer development and birth defects have been documented in members of the United States and Allied armed forces who served in and near Vietnam.

Throughout the war, the United States Navy provided support for combat operations ashore. This included air strikes and close air support, naval gunfire support, electronic intelligence, interdiction of enemy vessels and the insertion of supplies and troops ashore. Almost every such operation was conducted within the territorial seas.

The South China Sea is a fairly shallow body of water and the thirty fathom curve (a fathom is six feet) extends through much of the territorial seas. The gun ships would operate as close to shore as possible. The

maximum effective range of the guns required most operations to occur within the territorial seas as documented in the attachment.[1] Often ships would operate in harbors or within the ten fathom curve to maximize their field of fire. The maximum range on shipboard guns (except the Battleship 16 inch turrets) required the ship to operate within the territorial seas in order to support forces ashore.

It was common practice for the ships to anchor while providing gunfire support. Digital computers were not yet in use and the fire control systems used analog computers. By anchoring, the ship's crew was able to achieve a more stable fire control solution, since there was no need to factor in their own ship's course and speed. It was also common for ships to steam up and down the coast at high speeds to respond to call for fire missions, interdict enemy sampans and other operational requirements.

Small boat transfers were conducted quite close to land. Many replenishments via helicopter took place within the territorial seas. Small boat or assault craft landings of Marine forces always took place within the territorial seas. Many of these Marines re-embarked, bringing Agent Orange back aboard on themselves and their equipment. Additionally mail, equipment and supplies staged in harbor areas were often sprayed before being transferred to the outlying ships. Embarking personnel would take boats or helicopters to ships operating in the outlying ships. Embarking personnel would take boats or helicopters to ships operating in the territorial seas. The Agent Orange would adhere to their shoes and clothing as well as to mail bags and other containers. It would then be tracked throughout the ship on the shoes of embarking personnel and the clothing of those handling mail and other supplies brought aboard. Their clothing was washed in a common laundry, contaminating the laundry equipment and the clothing of other sailors.

Flight operations from aircraft carriers often occurred outside of the territorial seas. As an example, Yankee station was outside of the territorial seas of the Republic of Vietnam. Dixie Station, however, was on the border of the territorial seas. Some carriers, especially in the South, entered the territorial seas while launching or recovering aircraft, conducting search and rescue operations and racing to meet disabled planes returning from combat. Aircraft carriers also entered the territorial seas for other operational reasons. Many times these planes flew

[1] The red line on the chart is known as the base line. Vietnam uses the straight baseline method which intersects the outermost coastal islands. The dashed line is twelve nautical miles from the baseline and represents the territorial seas. The bold line marks the demarcation line for eligibility for the Vietnam Service Medal. Prior to 2002, the VA granted the presumption of exposure to any ship that crossed the bold line. S-681 will restore the presumption only to a ship that crosses the dashed line.

through clouds of Agent Orange while conducting close air support missions. These planes were then washed down on the flight deck, exposing the flight deck crew to Agent Orange.

Mail for the ships positioned throughout the combat area was staged at air fields and docking facilities throughout South Vietnam. Mailbags were often in sprayed area and the Agent Orange not only contaminated the bag, but leeched through to some of the mail. This mail was transported to the ships by carrier onboard delivery (COD) aircraft or helicopters. The boat or helicopter crews were exposed to the Agent Orange and carried it throughout the ship. Additionally, the mail itself was distributed to divisional mail petty officers and passed on to individual sailors.

Agent Orange Act of 1991.

In 1991, the Congress passed and President George H. W. Bush signed, the Agent Orange Act of 1991, Pub.L. 102–4, Feb. 6, 1991, 105 Stat. 11. This federal law required VA to award benefits to a veteran who manifests a specified disease and who "during active military, naval, or air service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975."

In 1997 the VA General Counsel issued a precedential opinion excluding service members who served offshore but not within the land borders of Vietnam. The opinion construed the phrase "served in the Republic of Vietnam" as defined in 38 U.S.C. § 101(29)(A) not to apply to service members whose service was on ships and who did not serve within the borders of the Republic of Vietnam during a portion of the "Vietnam era." The opinion stated that the definition of the phrase "service in the Republic of Vietnam" in the Agent Orange regulation, 38 C.F.R. § 3.307(a)(6)(iii), "requires that an individual actually have been present within the boundaries of the Republic to be considered to have served there," and that for purposes of both the Agent Orange regulation and section 101(29)(A), service "in the Republic of Vietnam" does not include service on ships that traversed the waters offshore of Vietnam absent the service member's presence at some point on the landmass of Vietnam." [2]

After lying dormant for a few years, this General Counsel opinion was incorporated into a policy change that was published in the Federal Register during the last days of the Clinton Administration.[3] The final rule was adopted in Federal Register in May of that year.[4] Comments by the VA concerning the exposure presumption recognized it for the "inland" waterways but not for offshore waters or other locations only if the conditions of service involved duty or visitation within the Republic of Vietnam.

Historically the VA's Adjudication Manual, the M21-1 Manual, allowed the presumption

[2] VA Op. Gen. Counsel Prec. 27-97 (1997).
[3] 66 Fed.Reg. 2376 (January 11, 2001).
[4] 66 Fed. Reg. 23166.

to be extended to all veterans who had received the Vietnam service medal, in the absence of "contradictory evidence." In a February 2002 revision to the M21-1 Manual, the VA incorporated the VA General Counsel Opinion and the May 2001 final rule and required a showing that the veteran has set foot on the land or entered an internal river or stream. This "boots on the ground" requirement is in effect today.

Hydrological Effect

The Agent Orange that was sprayed over South Vietnam was mixed with petroleum. The mixture washed into the rivers and streams and discharged into the South China Sea. In addition, the riverbanks were sprayed continuously resulting in direct contamination of the rivers. The dirt and silt that washed into the river can be clearly seen exiting the rivers and entering the sea. This is called a discharge "plume" and in the Mekong River it is considerable. Although the Mekong has a smaller drainage area than other large rivers, it has approximately 85% of the sediment load of the Mississippi. In two weeks, the fresh water of the Mekong will travel several hundred kilometers.[5] Notably, the Agent Orange dioxin dumped off the east coast of the United States was found in fish over one hundred nautical miles from shore.[6]

By coincidence, the baseline and territorial seas extend further from the mainland off the Mekong River. At its widest point off of the Mekong, the territorial seas extend to 90 nautical miles from the mainland. This was due to the location of the barrier islands owned by Vietnam. Given the more pronounced effect of the Mekong plume, however, the broader area off the Mekong Delta is appropriate. The force of the water in this area is greater than the river discharge in other parts of the country.

Eventually, the Agent Orange/petroleum mixture would emulsify and fall to the seabed. Evidence of Agent Orange impingement was found in the sea bed and coral of Nha Trang Harbor.[7] During the Vietnam War, the coastline, especially in the harbors and within the thirty fathom curve was a busy place with military and civilian shipping constantly entering and leaving the area in support of the war effort. Whenever ships anchored, the anchoring evolution would disturb the shallow seabed and churn up the bottom. Weighing anchor actually pulled up a small portion of the bottom. The propeller cavitation from military ships traveling at high speeds, especially within the ten fathom curve, impinged on the sea bottom. This caused the

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[5] Chen, Liu et. al, *Signature of the Mekong River plume in the western South China, Sea revealed by radium isotopes*, JOURNAL OF GEOPHYSICAL RESEARCH, Vol. 115, (Dec. 2010).

[6] Belton, et. al, 2,3,7,8-Tetrachlorodibenzo-p-Dioxin (TCDD) and 2,3,7,8-Tetrachlorodibenzo-p-Furan (TCDF), In Blue Crabs and American Lobsters from the New York Bight, New Jersey Department of Environmental Protection (November 12, 1988).

[7] *Pavlov, et, al, Present-Day State of Coral Reefs of Nha Trang Bay (Southern Vietnam) and Possible Reasons for the Disturbance of Habitats of Scleractinian Corals*, RUSSIAN JOURNAL OF MARINE BIOLOGY, Vol. 30, No. 1 (2004).

Agent Orange to constantly rise to the surface. The contaminated water was ingested into the ship's evaporation distillation system which was used to produce water for the boilers and potable drinking water. Navy ships within the South China Sea were constantly steaming through a sea of Agent Orange molecules.

The Australian Factor and the Distillation Process

In August of 1998 Dr. Keith Horsley of the Australian Department of Veterans Affairs met Dr. Jochen Mueller of the University of Queensland's National Research Centre for Environmental Toxicology (hereinafter NRCET) in Stockholm at the "Dioxin 1998" conference. Horsley shared a disturbing trend with Mueller. Australian VA studies showed a significant increase in Agent Orange related cancer incidence for sailors serving offshore over those who fought ashore. Based on that meeting, the Australian Department of Veterans Affairs commissioned NRCET to determine the cause of the elevated cancer incidence in Navy veterans.

In 2002, as the American Department of Veterans Affairs (VA) was beginning to deny the presumption of exposure to the United States Navy veterans, NRCET published the result of their study.[8] Their report noted that ships in the near shore marine waters collected water that was contaminated with the runoff from areas sprayed with Agent Orange. The evaporation distillation plants aboard the ships co-distilled the dioxin and actually enriched its effects. As a result of this study, the Australian government began granting benefits to those who had served in an area within 185.2 kilometers (roughly 100 nautical miles) from the mainland of Vietnam.

Institute of Medicine (IOM) Reports

In June of 2008, Blue Water Navy representatives presented to the IOM's Committee to Review the Health Effects in Vietnam Veterans of Exposure to Herbicides (Seventh Biennial Update) in San Antonio, Texas. That Committee report9 accepted the proposition that veterans who served on ships off the coast of the Republic of Vietnam were exposed to Agent Orange and recommended that they **not be excluded** from the presumption of exposure. The Committee reviewed the Australian distillation report and confirmed its findings based on Henry's Law. The VA did not accept these recommendations. Instead then Secretary Shinseki ordered another IOM study. On May 3, 2010, Blue Water Navy representatives testified before the Institute of Medicine's Board on the Health of Special Populations in relation to the project "Blue Water Navy Vietnam Veterans and Agent Orange Exposure."10 They concluded: (1) There was a plausible pathway for

[8] Mueller, J; Gaus, C, et. al. *Examination of The Potential Exposure of Royal Australian Navy (RAN) Personnel to Polychlorinated Dibenzodioxins And Polychlorinated Dibenzofurans Via Drinking Water* (2002).

[9] IOM (Institute of Medicine). 2009. *Veterans and Agent Orange: Update 2008.* Washington, DC: The National Academies Press.

[10] IOM (Institute of Medicine). 2011. *Blue Water Navy Vietnam Veterans and*

some amount of Agent Orange to have reached the South China Sea through drainage from the rivers and streams of South Vietnam as well as wind drift, (2) The distillation plants aboard ships at the time which converted salt water to potable water did not remove the Agent Orange dioxin in the distillation process and enriched it by a factor of ten, (3) Based on the lack of firm scientific data and the four decade passage of time, they could not specifically state that Agent Orange was present in the South China sea in the 1960's and 1970's, (4) There was no more or less evidence to support its presence off the coast than there was to support its presence on land or in the internal waterways and (5) Regarding the decision to extend the presumption of exposure "given the lack of measurements taken during the war and the almost 40 years since the war, this will never be a matter of science but instead a matter of policy." Notably this report did not contradict the findings of the Seventh Biennial report that the Blue Water Navy personnel should not be excluded from the presumption of exposure.

The IOM's Eighth Biennial Update recognized that "it is generally acknowledged that estuarine waters became contaminated with herbicides and dioxin as a result of shoreline spraying and runoff from spraying on land."11 The Ninth Biennial Update stated that " it is generally acknowledged that estuarine waters became contaminated with herbicides and dioxin as a result of shoreline spraying and runoff from spraying on land, particularly in heavily sprayed areas that experienced frequent flooding." 12

Law of the Sea

The Agent Orange Act of 1991 provides that:

... [A] veteran who, *during active military, naval, or air service in the Republic of Vietnam* during the period beginning on January 9,1962, and ending on May 7,1975, and has ...[Diabetes Mellitus (Type 2)] shall be presumed to have been exposed during such service to an herbicide agent containing dioxin ... unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during service.

38 U.S.C. § 1116(a)(3). (Emphasis added).

Vietnam claims a 12 mile territorial sea. The United States has consistently recognized Vietnamese sovereignty over the territorial seas of Vietnam. This recognition was expressly incorporated into the 1954 Geneva Accords Art. 4 which established the Republic of Vietnam. https://www.mtholyoke.edu/acad/intrel/genevacc.htm (last visited June 6, 2014). It was confirmed again in Art. 1 of the 1973 Paris Peace Treaty which ended the Vietnam War. http://www.upa.pdx.edu/IMS/currentprojects/TAHv3/Content/PDFs/Paris_Peace_Accord _1973.pdf (last visited June 6, 2014). During the war, the United States recognized a 12 rather than a 3 mile limit. *See, The Joint Chiefs of Staff and the War in Vietnam 1960-1968,* Part II which can be found at dtic.mil/doctrine/.../jcsvietnam_pt2.pdf at 358.

Agent Orange Exposure. Washington, DC: The National Academies Press.

[11] IOM (Institute of Medicine). 2012. *Veterans and Agent Orange: Update 2010*. Washington, DC: The National Academies Press.

[12] IOM (Institute of Medicine). 2014. *Veterans and Agent Orange: Update 2012.* Washington, DC: The National Academies Press.

Vietnam claims as internal or inland waters the landward side of the baseline.[13] Additionally, bays such as Da Nang Harbor are considered part of inland waters and under international law are the sovereign territory of the nation.[14]

The Secretary has recognized the presumption of exposure for those who served onboard ships who were in "inland" waters. The VA definition only includes inland rivers and does not cover the bays and harbors. Recently the Court of Appeals for Veterans Claims has rejected the VA's exclusion of Da Nang Harbor from the definition of inland waters as irrational and not entitled to deference.[15] In this case, the Court reviewed the case of a veteran whose ship was anchored in Da Nang Harbor but who did not set foot on land. Da Nang Harbor is surrounded on three sides by land and is considered inland waters under international law. The VA is now required to rationally specify what they consider to be inland waters.

Cost of S 681

In October of 2012, the Congressional Budget Office provided a preliminary estimate that the Blue Water Navy Vietnam Veterans Act would cost $2.74 billion over ten years. The estimate is currently being recomputed based on information provided in a meeting between CBO and MVA. CBO originally used a gross exposure population of 229,000 people. This estimate was based on the number of veterans serving within the Vietnam Service Medal area. The Navy Historical and Heritage Command and the Congressional Research Service estimated that the number of sea service veterans serving inside the territorial seas was 174,000. Of the 713 ships deployed to Vietnam, however, there is documentation that 330 have entered the inland rivers. An MVA analysis. provided to CBO. estimates 83,000 sea service veterans are already covered under the existing inland waters provision. Of the remaining 91,000 veterans, 1100 are covered under a different provision of the law for Non-Hodgkins Lymphoma. MVA estimates another 10% of the crews actually set foot in Vietnam. This includes crew members who went ashore for conferences, to pick up supplies, equipment or mail and those who piloted and crewed the boats and/or the helicopters that operated between the ships and shore. Additionally, some personnel went ashore to see the doctor, the dentist, the chaplain or the lawyer. They called home. Shopped at the PX and departed on emergency leave or permanent change of station orders. Additionally, men reporting to the ship would often transit though Vietnam. Finally, a number of ships that were at anchorage would send a portion of the crew ashore for beach parties or liberty.

Although the official CBO report has not yet been issued, informal liaison indicates that the cost will be $1 billion or less. The VA has estimated a ten year cost of $4.4 billion but has not provided any data to support the conclusion. In a meeting between MVA officials and Deputy Secretary Sloan Gibson held on September 1, 2015, the VA estimate was discussed. MVA provided the Deputy Secretary several considerations which might affect the score. CBO remains confident that their $1 billion or less estimate is correct.

Irrespective of what the cost is, MVA understands the need for a "pay for." There will be some automatic offsets in both discretionary and mandatory spending. There will be a dollar for dollar offset for Navy veterans currently receiving a non-service connected pension as well as those receiving non-service connected medical treatment at Veterans Health Administration (VHA) facilities. Additionally, under concurrent

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[13] United States Department of State *Bureau* of *Intelligence and Research, Limits in the Seas No. 99* Straight Baselines: Vietnam, (1983).

[14] Convention on the Territorial Sea and Contiguous Zone, [1958] 15 U.S.T. 1607, T.I.A.S. No. 5639.

[15] *Gray v. McDonald*, No. 13©3339, 2015 WL 1843053,(Vet. App. Apr. 23, 2015).

receipt laws, some veterans who are also military retirees will have a dollar for dollar offset due to waiver of their Title 10 pension (less federal tax liability).

As most Blue Water Navy veterans are in their 60's they are Medicare eligible or will become Medicare eligible during the ten year cost cycle. In a previous report, the CBO has compared the cost of Medicare treatment with treatment at a VHA facility.16 One of the key findings of this report was that private sector Medicare services would have cost about 21 percent more than services at a VHA facility. When dealing with retirees, the cost would be greater since Medicare only provides coverage for 80% of the cost. Tricare for Life provides an additional 20% coverage for military retirees.

Should the cost of the bill approach $1 billion, enactment of round downs would generate the required $1 billion. Round downs were in use for two decades through 2013 until they were discontinued by then Chairman Bernie Sanders. Round downs require disability payments to be "rounded down" to the nearest dollar. This would result in a maximum loss of $11.88 per veteran per year. The average loss per veteran would be $.49 per month or $5.88 per year. In a poll of almost 500 veterans, authorized by Miliary-Veterans Advocacy via the Blue Water Navy Awareness Facebook site, 90% of respondents supported the use of round downs. In a separate poll conducted by the Fleet Reserve Association of 1148 veterans revealed that 73.52% supported the use of round downs. Informal liaison with several veterans organizations found that these organizations will not oppose round downs if that is the only means available of funding S 681.

While Military-Veterans Advocacy understands and appreciates the reluctance of some Senators to enact round downs, it is a small price to pay to restore earned benefits to tens of thousand of veterans. If the VA will not extend coverage to the bays and harbors and the territorial seas, Military-Veterans Advocacy urges the Committee to incorporate "round downs" as an offset.

Impact of the *Gray v. McDonald* decision.

In April of this year the Court of Appeals for Veterans Claims decided *Gray v. McDonald*, 27 Vet. App. 313 (2015). In *Gray*, the Court found that the VA's exclusion of bays and harbors was irrational and that their stated reasoning was arbitrary and capricious.

The time period for appealing the *Gray* decision has passed and the VA must now re-write their regulation. A draft regulation continued to exclude the bays and harbors and was used to deny at least two claims at the Board of Veterans Appeals. That regulation should not have been released and when called to the attention of the Deputy Secretary was quickly rescinded. The Board of Veterans Appeals has since been cautioned to not rely on that draft. Military-Veterans Advocacy estimates that if the bays and harbors, as defined by the 1958 Convention on the Territorial Seas and the Contiguous Zone, are included under current law, the actual cost of S-681 will be reduced to $100 million over ten years. If the VA extends the presumption to the territorial sea and beyond, the cost of the bill will be reduced to zero.

MVA officials met with VA Deputy Secretary Sloan Gibson on July 6, 2015 and September 18, 2015. Both meetings were productive and the Deputy Secretary seemed to be responsive to the presentations. Although no decision has been reached, MVA is heartened by the willingness of the Deputy Secretary to meet and listen to our position and we look forward to further consultations.

Litigation post *Gray*

The Blue Water Navy Vietnam Veterans Association had previously brought suit against the Secretary under the Administrative

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[16] Congressional Budget Office, *Comparing the Costs of the Veterans' Health Care System With Private-Sector Costs* (December 2014)

Procedures Act in the United States District Court for the District of Columba. The court dismissed that case for lack of jurisdiction, after recognizing that the plight of the Blue Water Navy veterans was of concern. An appeal of that jurisdictional ruling is pending before the United State Court of Appeals for the District of Columbia.

The case of *Trumbauer v. MacDonald*, concerning Da Nang Harbor is now pending before the United States Court of Veterans Appeals. The Secretary's brief is due October 5, 2015. Military-Veterans Advocacy has file an amicus brief in this case.

Another appeal, *Johnson v. MacDonald*, concerning Nha Trang Harbor is pending before the United States Court of Veterans Appeals. The initial brief is due October 19, 2015. Military-Veterans Advocacy is representing the veteran.

The case of *Crisp v. McDonald*, involving Da Nang Harbor, will be filed by Military-Veterans Advocacy on behalf of the veteran. This is one of the two cases where benefits were denied using the prematurely released draft regulation. That appeal must be filed before Thanksgiving. As a sign of good faith, MVA has not yet filed the appeal to give the VA an opportunity to resolve this issue amicably.

Additional Toxic Exposure Concerns

Unfortunately, exposure to toxic substances is part of life in the military. Some of these exposures are not preventable, while some could be prevented. Irrespective of whether there is any fault or negligence, the important issue is how we take care of our veterans who are victims of this exposure.

The Agent Orange problem will not end with the Blue Water Navy and S 681. Other ships that remained outside of the territorial seas were exposed through aircraft embarkation, contaminated personnel, equipment, mail etc. Veterans were exposed in Guam, Johnston Island, Thailand, Laos, Cambodia, Korea, Okinawa and even sites in the United States such as Gulfport Mississippi and Fort McClellan, Alabama.

Additionally, Agent Orange is not the only toxic exposure that requires the attention of the Congress. Asbestos contamination, radiation, the Camp Lejune water tragedy, depleted uranium, petroleum fumes and open air burn pits have exposed hundreds of thousands of veterans to toxic materials just as dangerous as chemical weapons.

The Toxic Exposure Research Act, S-901, is an important step to become proactive in the worked of toxic exposure. S-901 will establish a center at an existing VA facility to research the diagnosis and treatment of health conditions of the biological children, grandchildren, or great-grandchildren of individuals exposed to toxic substances while serving as members of the Armed Forces that are related to such exposure. It further directs the VA to conduct a national outreach and education campaign directed toward members of the Armed Forces, veterans, and their family members to communicate information on incidents of exposure of members of the Armed Forces to toxic substances, health conditions resulting from such exposure, and the potential long-term effects. It also requires DOD and the Department of Health and Human Services to assist the VA in implementing such campaign.

Congressman Tim Walz has also introduced HR 3423 to extend the Institute of Medicine's Biennial Agent Orange Committee for two years. It is expected to pass the House. Military-Veterans Advocacy recommends making this committee a permanent entity and expanding its charter to include all toxic exposures. Working closely with the research facility envisioned by S 901, the United States can take a proactive approach to quicky identify and treat veterans who have been exposed to toxic substances.

Conclusion.

MVA continues to urge the adoption of S. 681. It will restore the earned benefits to tens of thousands of Navy veterans that were taken from them over a decade ago. This bill is supported by virtually all veterans organizations including the American Legion, Veterans of Foreign Wars, Vietnam Veterans of America, Reserve Officers Association, Fleet Reserve Association, Military Officers Association of America, Association of the U. S. Navy and other groups. We have always enjoyed the support of the Military Coalition. Enactment of this legislation is overdue and Military-Veterans Advocacy most strongly supports its passage.

MVA further supports the enactment of S 901 and HR 3423 to require research into toxic exposure treatment for veterans and their descendants.

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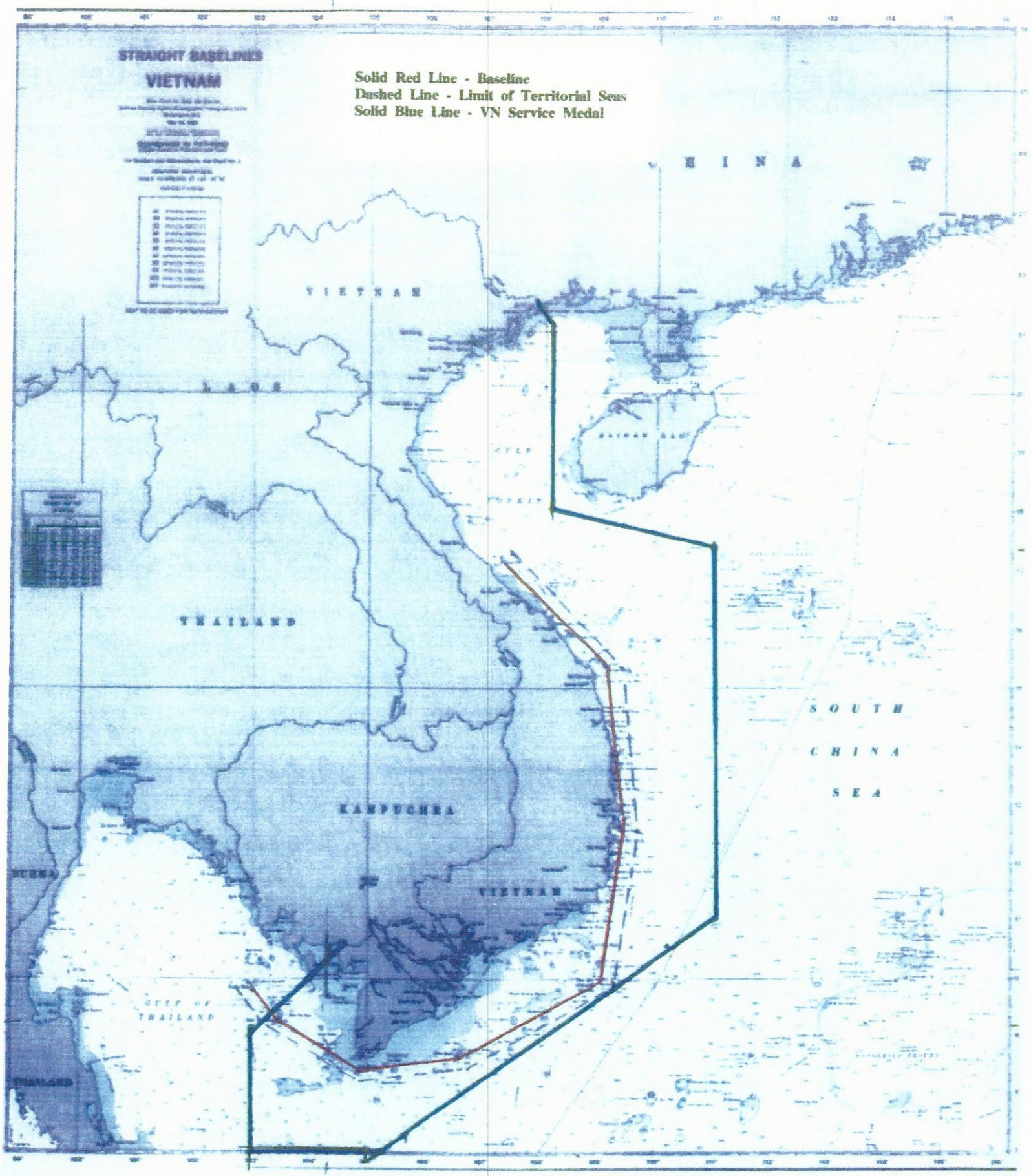
STRAIGHT BASELINES
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