

## Blue Water Navy Frequently Asked Questions (As of 10/29/2019)

### 1. Q: What is the Blue Water Navy Vietnam Veterans Act of 2019?

A: [Public Law 116-23](#), the *Blue Water Navy Vietnam Veterans Act of 2019*, was signed into law on June 25, 2019. The law takes effect January 1, 2020. The law states that Veterans who served offshore of the Republic of Vietnam between January 9, 1962, and May 7, 1975, are presumed to have been exposed to herbicides such as Agent Orange and may be entitled to service connection for conditions related to that exposure.

To be eligible for presumption of service connection based on herbicide exposure, the Veteran must have served in the offshore waters of the Republic of Vietnam not more than 12-nautical miles seaward of a line commencing on the southwestern demarcation of the waters of Vietnam and Cambodia and intersecting at the following points.

Points Geographic Names	Latitude	Longitude
	North	East
At Hon Nhan Island, Tho Chu Archipelago Kien Giang Province	9°15.0'	103°27.0'
At Hon Da Island southeast of Hon Khoai Island Minh Hai Province	8°22.8'	104°52.4'
At Tai Lon Islet, Con Dao Islet in Con Dao-Vung Toa Special Sector	8°37.8'	106°37.5'
At Bong Lai Islet, Con Dao Islet	8°38.9'	106°40.3'
At Bay Canh Islet, Con Dao Islet	8°39.7'	106°42.1'
At Hon Hai Islet (Phu Qui group of islands) Thuan Hai Province	9°58.0'	109°5.0'
At Hon Doi Islet, Thuan Hai Province	12°39.0'	109°28.0'
At Dai Lanh point, Phu Khanh Province	12°53.8'	109°27.2'
At Ong Can Islet, Phu Khanh Province	13°54.0'	109°21.0'
At Ly Son Islet, Nghia Binh Province	15°23.1'	109° 9.0'
At Con Co Island, Binh Tri Thien Province	17°10.0'	107°20.6'

### 2. Q: What is the *Procopio* decision?

A: The U.S. Court of Appeals for the Federal Circuit rendered a decision on January 29, 2019 that ruled in favor of the Veteran in *Alfred Procopio, Jr., v. Robert Wilkie*. In the decision, the Court held that by the phrase “Republic of Vietnam” in the Agent Orange Act of 1991, Congress intended to extend presumption of herbicide exposure to Veterans who served within the 12-nautical mile territorial sea of the Republic of Vietnam. *The Procopio decision* was superseded by Public Law 116-23, *Blue Water Navy Vietnam Veterans Act of 2019* which was signed into law on June 25, 2019.

**3. Q: Are there Veterans who would receive benefits under Procopio who will not be eligible under Public Law 116-23?**

A: VA recognizes that there are differences between the location parameters as outlined in *Procopio* and the *Blue Water Navy Vietnam Veterans Act of 2019*. Because Congress established the exact longitude and latitude coordinates in the new law, VA must now review the policy implications to ensure that all eligible Blue Water Navy Veterans serving with the applicable regions as outlined in the new law are considered. Although some claimants may have been eligible for benefits under the *Procopio* ruling, VA is utilizing the stay on deciding claims to ensure that VA processes and adjudicates all Blue Water Navy claims in an accurate and orderly fashion by carefully implementing the “broad and comprehensive” definition of service in the Republic of Vietnam that Congress intended.

**4. Q: How does this law change eligibility for the presumption for Agent Orange exposure claims?**

A: The law expands the population of eligible Veterans who served in the offshore waters of the Republic of Vietnam as specified in Public Law 116-23.

**5. Q: When does the new law go into effect?**

A: The *Blue Water Navy Vietnam Veterans Act of 2019* will take effect on January 1, 2020. Veterans, survivors and dependents can file claims at any time, and a decision will be made after the law is implemented. Blue Water Navy claims and appeals currently in process have been placed on hold (stayed) until the new law goes into effect. The Blue Water Navy Vietnam Veterans Act authorizes VA to begin deciding Blue Water Navy related claims on January 1, 2020. By staying claims decisions until January 1, 2020, VA is exercising authority conferred by the law that Congress wrote and passed.

**6. Q: Do I need to prove contact with an herbicide such as Agent Orange?**

A: No. You don’t need to show that you came into contact with an herbicide such as Agent Orange. Congress announced that conditions on the list of presumptive diseases will be presumed to have been caused by herbicide exposure to include toxins such as Agent Orange among others through service in the Republic of Vietnam, including offshore waters as defined by the *Blue Water Navy Vietnam Veterans Act of 2019*.

**7. Q: Are Blue Water Navy Veterans and survivors excluded from filing for disability benefits related to herbicide exposure to include toxins such as Agent Orange?**

A: No. Blue Water Navy Veterans have always been able to file for benefits for disabilities related to herbicide exposure to include toxins such as Agent Orange. VA previously had a policy of applying the presumption of herbicide exposure when a Veteran and/or survivor could provide evidence that the Veteran served on a vessel, while the vessel: (1) temporarily entered the Republic of Vietnam’s inland waterways, (2) docked to shore or pier, or (3) otherwise sent crewmembers ashore while operating on close coastal waters.

**8. Q: Why had VA not applied the presumption of exposure to Blue Water Navy Veterans in the past?**

A: VA interpreted the statutory phrase “served in the Republic of Vietnam” to refer to service on land or on the inland waterways of Vietnam, but not to include service in the waters offshore or in the airspace above Vietnam. The *Blue Water Navy Vietnam Veterans Act of 2019* clarifies Congress’ intent to expand the population of Veterans presumed to have been exposed to herbicides to include toxins such as Agent Orange.

**9. Q: What is the difference between Brown Water and Blue Water Navy Veterans?**

A: “Brown Water” Veterans are those who served on U.S. Naval and Coast Guard vessels which navigated the inland waterways and rivers of the Republic of Vietnam. “Blue Water” Veterans are those who served offshore of the Republic of Vietnam, including 12-nautical miles seaward of a line commencing on the southwestern demarcation line of the waters of Vietnam and Cambodia and intersecting coordinates as described in the law.

**10. Q: What health conditions are associated with herbicide exposure to include toxins such as Agent Orange <sup>1</sup>?**

A: Fourteen diseases are currently on the presumptive list for Agent Orange.

- Amyloid light-chain (AL) amyloidosis
- Chloracne, or other acneform disease consistent with chloracne
- All Chronic B-cell leukemias (including, but not limited to, hairy-cell leukemia and chronic lymphocytic leukemia)
- Diabetes mellitus, Type 2
- Lymphoma, Hodgkin’s, formerly known as Hodgkin’s disease
- Multiple myeloma
- Lymphoma, Non-Hodgkin’s
- Peripheral neuropathy, early-onset
- Porphyria cutanea tarda
- Prostate Cancer
- Respiratory cancers (cancer of the lung, bronchus, larynx, or trachea)
- Soft-tissue sarcoma (other than osteosarcoma, chondrosarcoma, Kaposi’s sarcoma, or mesothelioma)
- Ischemic heart disease
- Parkinson's disease

<sup>1</sup> This list of conditions is eligible for presumptive service connection under 38 CFR 3.309(e); however, a Veteran may be entitled to service connection on a direct basis under 38 CFR 3.303, if herbicide exposure is established and scientific or medical evidence establishes that the claimed condition is medically associated with dioxin exposures.

**11. Q: What will the effective date be for Blue Water Navy Veteran claims?**

A: Presumptive disabilities granted because of the *Blue Water Navy Vietnam Veterans Act of 2019* will generally be based on the date of receipt of the claim. If you had a previously denied claim and you resubmit your claim, the effective date will be determined on a case-by-case basis.

**12. Q: How will the previously denied claims be reviewed under the new law?**

A: Veterans and survivors who had an herbicide exposure claim with service connection of one or more presumptive conditions denied in the past, are urged to file a new claim. They should provide any new and relevant information regarding the claim such as dates their vessel traveled within the offshore waters of the Republic of Vietnam or updated medical information. Claims that are currently in the VA review process or under appeal are placed on hold and will be automatically reviewed after January 1, 2020. Claims should be submitted on a VA Form 20-0995, labeled as Decision Review Request: Supplemental Claim. For more information about how to file a claim, please visit our website at <https://www.va.gov/disability/how-to-file-claim/>

**13. Q: What happens if the Veteran dies before his or her claim is decided?**

A: If the claimant dies while his or her claim is pending, a living dependent, such as a spouse or children, may file a request to be substituted as the claimant. Family with questions about benefits or filing a claim can visit the VA Dependency and Indemnity Compensation (DIC) website at <https://www.va.gov/burials-memorials/dependency-indemnity-compensation/>.

**14. Q: If a Blue Water Navy Veteran has not applied for benefits in the past, but would like to apply now will the new presumption of exposure be extended to them?**

A: Yes, VA will apply the provisions of the law to Blue Water Navy Vietnam Veterans who file new claims based on exposure to herbicide agents such as Agent Orange.

**15. Q: May the surviving spouse of a Blue Water Navy Veteran who passed away from a condition related to herbicide exposure, such as Agent Orange, and who was previously denied compensation for such condition, become entitled to Dependency and Indemnity Compensation (DIC)?**

A: If the Veteran served on a Navy or Coast Guard vessel that is determined to have operated offshore of Vietnam as defined in the *Blue Water Navy Vietnam Veterans Act of 2019* and the cause of death was from a condition related exposure to an herbicide, such as Agent Orange, then VA may award DIC benefits on that basis. For more information: <https://www.va.gov/burials-memorials/dependency-indemnity-compensation/>

**16. Q: How will you contact Veterans who were previously denied for Agent Orange?**

A: Letters will be sent to the Blue Water Navy Veterans and survivors who were previously denied benefits. Veterans Service Organizations will be informed of changes in the [law](#).

**17. Q: What benefits can a Veteran expect if their claim is approved?**

A: A Veteran may receive a monthly disability compensation payment and free VA healthcare related to their service-connected disability. The amount of compensation is determined by the diagnosed condition and level of disability.

**18. Q: Where can I get additional information on disability compensation for herbicide exposure such as Agent Orange?**

A: Veterans with questions about benefits or filing a claim can visit the VA Agent Orange website <https://www.va.gov/disability/eligibility/hazardous-materials-exposure/agent-orange/> and Compensation for Surviving Spouse and Dependents (VA DIC) website <https://www.va.gov/burials-memorials/dependency-indemnity-compensation/>. They can also call 1-800-749-8387.

**19. Q: Is award of the Vietnam Service Medal enough to qualify for Agent Orange related disability compensation?**

A: No. Receipt of the Vietnam Service Medal as well as other decorations, does not automatically place a Veteran's service within the offshore waters of the Republic of Vietnam. VA must be able to verify, through documentation, that the Veteran served within the Republic of Vietnam, to include the offshore waters as detailed in Public Law 116-23. The Vietnam Service Medal was given broadly to Service members in support roles, including those who did not serve in the Republic of Vietnam.

**20. Q: Are Blue Water Navy Veterans eligible for the Agent Orange Registry?**

A. Blue Water Navy Vietnam Veterans who state that they meet the criteria of Public Law 116-23 are eligible for the Agent Orange Registry health exam. This health exam is a free VA service that alerts Veterans to possible long-term health problems that may be related to herbicide exposure to include toxins such as Agent Orange during military service. Being in the Agent Orange Registry does not verify eligibility for benefits. For more information, visit <https://www.publichealth.va.gov/exposures/agentorange/benefits/registry-exam.asp>.

**21. Q: What changes were made to the Agent Orange presumption for Veterans who served in Korea?**

A: The *Blue Water Navy Vietnam Veterans Act of 2019* changes the presumption dates for those who served in or near the Korean Demilitarized Zone from April 1, 1968 – August 31, 1971 to September 1, 1967 to August 31, 1971.

**22. Q: What changes were made in the law for children with spina bifida, whose parent served in Thailand from January 9, 1962 to May 7, 1975?**

A: A child with spina bifida whose Veteran parent is determined by VA to have been exposed to an herbicide agent while serving in Thailand between January 9, 1962, and May 7, 1975, can receive healthcare, vocational training and rehabilitation, and a monetary allowance. This makes the benefits coverage the same as for children of Vietnam and Korean service Veterans who were exposed to an herbicide such as Agent Orange. The child must be biological and conceived after the Veteran's covered service in Thailand.

**23. Q: I received a letter from VA saying I might be eligible; do I still need to file a claim?**

A: Veterans and survivors, who received a notification letter from VA, must still **file a new claim**. They should provide any new and relevant information regarding the claim such as dates their vessel traveled within the offshore waters of the Republic of Vietnam and updated medical information. A claim will automatically be reviewed under the new policy if it is currently in the VA review process or under appeal.

**24. Q: I am not sure where the vessel I was on traveled, is there some way I can determine if I am considered a Blue Water Navy Veteran?**

A: VA has established a special team specifically designated to research military and service treatment records and to determine whether a Veteran served in the eligible offshore waters of the Republic of Vietnam. To help us make that determination, VA encourages claimants to file a claim and submit any information of service in the Republic of Vietnam for any length of time between January 9, 1962, and May 7, 1975, aboard a U.S. military vessel that operated less than 12 nautical miles from the demarcation line of the waters of Vietnam and Cambodia. The specific area is defined in the [Blue Water Navy Act of 2019](#). More information about Blue Water Navy Veterans can be found at <https://www.va.gov/disability/eligibility/hazardous-materials-exposure/agent-orange/navy-coast-guard-ships-vietnam/>.

**25. Q: If I was originally denied a claim under BWN, will I receive a retroactive payment?**

A: Presumptive conditions granted for Blue Water Navy Veterans may be retroactive to the date VA received your original claim. If you had a previously denied claim, for a presumptive condition and you resubmit your claim, the effective date will be determined on a case-by-case basis.

**26. Q: If I was on a vessel after the war in the Republic of Vietnam, does the Blue Water Navy Law apply to me if I have one of the presumptive conditions?**

A: To be eligible for presumption of service connection based on herbicide exposure, the Veteran must have been aboard a U.S. military vessel offshore of the Republic of Vietnam between January 9, 1962, and May 7, 1975, operating within 12-nautical miles seaward of a line commencing on the southwestern demarcation of the waters of Vietnam and Cambodia. For

more information visit the Agent Orange website

<https://www.va.gov/disability/eligibility/hazardous-materials-exposure/agent-orange/>

**27. Q: The Blue Water Navy Act included changes to the VA Home Loan program. What are those changes?**

A: The law includes changes to the VA Home Loan program, most notably, changes to guaranteed loan limit amounts and to Congressionally-mandated home loan funding (user) fees. More specifically the law authorized:

- Home loan provisions take effect on January 1, 2020.
- On January 1, 2020, VA-guaranteed home loans will no longer be limited to the Federal Housing Finance Agency (FHFA) [Conforming Loan Limits](#). Veterans will be able to obtain no-down payment home loans in all areas, regardless of loan amount.
- On January 1, 2020, there will be temporary increases to the Congressionally-mandated VA Home Loan funding fee for some purchase and cash-out refinance loans.
- There will be a reduction in the home loan funding fee for Reservists and National Guard borrowers to align with the fee paid by ‘regular military’ borrowers.
- The law exempts Purple Heart recipients currently serving on active duty from the VA Home Loan funding fee.
- The law also removes the previous loan limit for Native American Veterans seeking to build or buy a home on Federal Trust land.
- The law also enables the Secretary to authorize VA appraisers to use their apprentices, trainees, or the information gathered by another subordinate appraiser to complete an appraisal for a VA guaranteed loan.

**28. Q: I’m a Veteran looking to use my VA home loan benefits. Does the removal of the VA loan limit mean I automatically qualify for a higher-priced house?**

A. No. Veteran borrowers seeking to use their VA home loan guaranty benefit still must qualify for a loan, based on credit and income requirements set forth by VA. Lenders will still look at your credit history, income, and other factors to assess your ability to afford payments on the mortgage. Some lenders may have additional lending criteria in place which exceed VA’s guidelines. VA recommends shopping amongst several lenders to compare interest rates, fees, and charges, before deciding which one can best meet your overall financial needs and goals. For more information or to speak with a VA Loan Specialist call 1 (877) 827-3702.