

**Congress of the United States**  
**Washington, DC 20515**

December 20, 2017

Mick Mulvaney  
Director, Office of Management and Budget  
1725 17th Street, NW  
Washington, DC 20503

Dear Director Mulvaney:

I am writing today to urge you to give Department of Veterans' Affairs' Secretary, Secretary David Shulkin, the budgetary flexibility he needs to provide the Blue Water Navy Veterans with the benefits and care to which they are rightfully entitled. Blue Water Navy Veterans served our country in the hostile territorial waters of Vietnam, providing mission critical direct combat support operations.

The VA has already included presumptive status to those who served on land and waterways closest to land, but it has failed to include these Blue Water Navy Veterans, despite the fact that they are suffering from the same diseases as those who served closer to the origin of the toxins. We know Agent Orange contained deadly toxins and that those exposed during their service have suffered tremendously. This small group of Blue Water Navy Veterans have also suffered and yet they are being denied the service-connected medical care and compensation they deserve. Currently there are 318 bipartisan cosponsors, including myself, on legislation pending in Congress to require the VA to take this action. Despite widespread support, however, the Congress has been unable to agree upon a pay-for, and there appears to be no further urgency in pursuit of a resolution. Our Blue Water Veterans should not be victims of congressional gridlock. Time is running out for them. They are literally dying, while waiting for this inevitable presumptive expansion, which is unacceptable.

Although Congress has been unable to come to a consensus to address this important issue, Secretary Shulkin does not need to wait for Congressional direction to do the right thing in this matter; however, he needs your assistance in granting him the budgetary flexibility to get this done for the approximately 90,000 Blue Water Navy Veterans who are suffering. There is substantial precedent for the VA to grant presumptive status for certain conditions and groups, as evidenced by the administrative action taken in March of this year to expand eligibility for those Veterans exposed to contaminants at Camp LeJeune. The Blue Water Navy Veteran exclusion is based on a 1997 VA General Counsel opinion (27-97) that interpreted the phrase "service in the Republic of Vietnam" to apply only to the landmass.

This opinion ignored international recognition that national sovereignty extended to the territorial seas, a fact which was acknowledged in the 1973 Paris Peace Treaty. Additionally, in *Gray v. McDonald*, the U.S. Court of Appeals for Veterans Claims has determined that this ruling is irrational, arbitrary and capricious; and in its 2015 decision ordered the VA to re-evaluate its definition of inland waterways and realign it on the basis of probability of exposure. Finally, as explained in *Gray v. McDonald*, the prior decision in *Haas v. Peake* “made it clear that VA may draw a line between blue and brown water while leaving the specific line drawing to VA discretion” and the time has come for the VA to utilize this discretion.

This issue boils down to a matter of fairness and equitable treatment of those who have bravely defended our country during war time. Prioritizing this issue and taking immediate action on behalf of these heroes is justified and necessary. Thank you for your consideration.

Sincerely,



Gus M. Bilirakis  
Member of Congress