



Key Messages on the Blue Water Navy Vietnam Veterans Act of 2019 (PL116-23)

TOP LINE MESSAGING

- > ~~Effective January 1, 2020, VA will begin deciding claims for compensation under the provisions of the Blue Water Navy Vietnam Veterans Act of 2019 (PL 116-23).~~
- > Blue Water Navy (BWN) Veterans are those who served offshore of the Republic of Vietnam between January 9, 1962 and May 7, 1975.
- > BWN Veterans and their family members now may be eligible for disability compensation and other benefits for illnesses that VA recognizes are caused by exposure to herbicide to include toxins such as Agent Orange among others.
- > Veterans who served in or near the Korean Demilitarized Zone (DMZ) from September 1, 1967 to August 31, 1971 may be eligible.
- > The bill provides for spina bifida benefits to children of Veterans who are determined by VA in consultation with Department of Defense to have been exposed to an herbicide agent while serving in Thailand (which prior to the bill was only for children of Veterans with service in Vietnam or the Korean Demilitarized Zone (DMZ)).
- > The Act also made certain changes to the VA Home Loan benefit.
- > VA is dedicated to ensuring that all Veterans receive the benefits they have earned.
 - o To that end, VA is working with Veteran Service Organizations (VSOs) and many partner organizations to ensure Veterans are aware of changes and know how to file a claim if they believe they are eligible for disability compensation.
 - o VA is also working to ensure the proper resources are available to meet the needs of eligible BWN Veterans and survivors who are filing for disability compensation and Dependency and Indemnity Compensation (DIC).
- > If a Veteran believes they have a disability as a result of exposure to herbicide to include toxins such as Agent Orange in the areas stated during this time, they should contact VA either on the special issue hotline at 1-800-749-8387, in person at a regional office, or contact their Veterans Service Organization (VSO) to learn more about eligibility and receive assistance in applying for benefits.
- > As part of this effort, VA will conduct targeted outreach through direct mailings to Veterans and survivors who submitted compensation claims that were previously denied. In the outreach letters, VA will provide any forms or other information necessary to reconsider these claims under the new law.

ELIGIBILITY

- > You do not need to supply evidence of exposure to herbicides such as Agent Orange to be eligible.



- > When you file a claim, state on your application that you are filing for one of the presumptive conditions recognized by the VA as related to exposure to herbicide toxins such as Agent Orange.
 - You will be asked to provide any evidence you have of service in the offshore waters of the Republic of Vietnam during the required timeframe. Include the name(s) of the vessel(s) and the date(s) you served within 12 nautical miles of the Republic of Vietnam, if you have that information.
- If available, provide medical evidence showing a diagnosis of a current presumptive condition recognized by VA as related to herbicide exposure or provide VA with the name of the medical facility where you are currently being treated.

FILING A CLAIM

- > Veterans and survivors who had an herbicide exposure claim such as Agent Orange with one or more presumptive conditions denied in the past, are urged to **file a new claim**. They should provide or identify 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 will be automatically reviewed under the new policy. Claims should be submitted on a VA Form 20-0995, entitled *Decision Review Request: Supplemental Claim*.
- > If you want to file a claim for a new herbicide-related disability (that has not been previously decided by VA), please go to <https://www.va.gov/disability/how-to-file-claim/> to initiate your new claim.
- > If you want to file a claim for a new claim for DIC related to herbicide exposure (that has not been previously decided by VA), please go to <https://www.va.gov/burials-memorials/dependency-indemnity-compensation/> for more information.
- > You are encouraged to contact an accredited representative to assist you with your application. For a list of accredited veterans service organizations go to <https://www.va.gov/ogc/apps/accreditation/index.asp>. You may also contact your state office of Veterans Affairs at <https://www.va.gov/statedva.htm>, should you need further assistance with the application process.

DIGITIZATION

- > To expedite the review process, VA is currently working with the United States National Archives and Records Administration (NARA) to digitize approximately 28 million images of vessel deck logs used to verify Veterans' vessel locations during the presumed exposure dates of Jan. 9, 1962 to May 7, 1975.
- > We've created a Vessel Locator tool that will access these records and digitized deck logs to quickly determine the vessel's location and verify eligibility.
- > Previously, VA would manually look through hundreds of thousands of records. This greatly reduces the time required of our Veterans Service Representatives, saving countless labor hours.
- > The digital images will be preserved in both VA and NARA inventories.
- > Digitization allows VA to maximize the value of every dollar, operate transparently, and wisely use the resources entrusted to us.



- > VBA plans to have approximately 28 million images scanned by November 11, 2019 and the data from the deck logs will be transcribed by December 12, 2019.

HOME LOAN PROGRAM

- > 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.

TALKING POINTS TO PARTNERS

POLICY

Having the right policies in place is essential to successful implementation of BWN.

- > The law authorizes VA to implement or operationalize the law prior to publishing regulations.
- > SecVA signed off on the policy for VA to rely on evidence-based determinations of vessel locations, ensuring uniform applicability across VBA and BVA.
- > The Under Secretary for Benefits issued policy to use rulemaking in determining location boundaries where the new law is silent or ambiguous.
- > VBA has issued a policy to concede herbicide exposure based on being for present in Da Nang Harbor. Additional harbors and bays are currently in the process of being approved.
- > VBA has issued an interim policy on how to handle existing and incoming claims.
- > VA Home Loan Service published interim guidance to prepare lenders for the forthcoming changes to the loan benefit.

CLAIMS PROCESSING, HIRING, TRAINING, WORKLOAD MANAGEMENT

- > VA is proactively hiring to ensure we are fully staffed and trained within our available resources to support *the Blue Water Navy Vietnam Veterans Act of 2019* (PL 116-23)



- > VA will centralize the processing of these claims to a limited number of offices to cultivate and maintain a high level of proficiency and expertise with these claims
- > Additionally, VA will have dedicated resources that will process these claims, including specialized experts who will make the determination that Veterans had qualifying offshore service

VESSEL LOCATOR TOOL

VBA partnered with National Archives and Records Administration (NARA) to scan deck logs for more than 1,800 vessels potentially in the waters covered by the *Blue Water Navy Vietnam Veterans Act of 2019*. This information will be uploaded into a tool for determining vessel location.

- > This tool will be used by a specially designated team who will determine if a Veteran was in the eligible area where his/her service was considered exposed to herbicides.
 - o The tool can get us quickly to “yes,” but we do not solely rely on the tool to determine if a Veteran was not in the prescribed area. Other resources and evidence will be researched and considered.

CONGRESSIONAL REPORTING

- > The new statute mandates Congressional reporting requirements.
- > The first quarterly report was submitted on September 25, 2019 on the status of codifying the new statute into VA regulations.
- > On or around October 25, 2019, VA submitted two additional reports on outreach and a plan to handle inquiries about certain provisions of the new law.