

Don't Forget the Agent Orange Sailors in the 115th Congress

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Update on Sam Wright

11.0—Veterans' claims

As Captain Morgan Little and I explained in detail in Law Review 16010 (February 2016) and Law Review 16046 (May 2016), U.S. Navy personnel who served on warships near the coast of the Republic of Vietnam (South Vietnam) during the Vietnam War have been unjustly denied Department of Veterans Affairs (VA) benefits for prostate cancer and other diseases and conditions associated with Agent Orange exposure during that war. Proposed legislation to correct this injustice passed the House of Representatives but not the Senate during the 114th Congress (2015-16).

This month (January 2017) marks the start of the 115th Congress (2017-18). Bills not enacted during the last Congress must be reintroduced with new bill numbers, and the legislative process must begin anew in the new Congress. On January 5, 2017, Representative David G. Valadao of the 21st District of California introduced H.R. 299, a new bill to correct this injustice. The bill has 126 co-sponsors so far.

Reader: Please contact your United States Representative and ask him or her to sign on as a co-sponsor of H.R. 299, if he or she has not already done so. Please contact your two United States Senators and ask them to introduce and push for the enactment of a similar bill in the United States Senate.

¹ I invite the reader's attention to www.servicemembers-lawcenter.org. You will find more than 1600 "Law Review" articles about military voting rights, reemployment rights, and other military-legal topics, along with a detailed Subject Index and a search function, to facilitate finding articles about very specific topics. The Reserve Officers Association (ROA) initiated this column in 1997. I am the author of more than 1400 of the articles.

² BA 1973 Northwestern University, JD (law degree) 1976 University of Houston, LLM (advanced law degree) 1980 Georgetown University. I served in the Navy and Navy Reserve as a Judge Advocate General's Corps officer and retired in 2007. I am a life member of ROA. I have dealt with USERRA and the Veterans' Reemployment Rights Act (VRRA—the 1940 version of the federal reemployment statute) for more than 34 years. I developed the interest and expertise in this law during the decade (1982-92) that I worked for the United States Department of Labor (DOL) as an attorney. Together with one other DOL attorney (Susan M. Webman), I largely drafted the proposed VRRA rewrite that President George H.W. Bush presented to Congress, as his proposal, in February 1991. On 10/13/1994, President Bill Clinton signed into law USERRA, Public Law 103-353, 108 Stat. 3162. The version of USERRA that President Clinton signed in 1994 was 85% the same as the Webman-Wright draft. USERRA is codified in title 38 of the United States Code at sections 4301 through 4335 (38 U.S.C. 4301-35). I have also dealt with the VRRA and USERRA as a judge advocate in the Navy and Navy Reserve, as an attorney for the Department of Defense (DOD) organization called Employer Support of the Guard and Reserve (ESGR), as an attorney for the United States Office of Special Counsel (OSC), as an attorney in private practice, and as the Director of the Service Members Law Center (SMLC), as a full-time employee of ROA, for six years (2009-15). Please see Law Review 15052 (June 2015), concerning the accomplishments of the SMLC.