

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. R16-0557.01 Gwynne Middleton x4340

SR16-002

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SENATE SPONSORSHIP

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SENATE RESOLUTION 16-002

101 CONCERNING RESTORING THE PRESUMPTION OF SERVICE CONNECTION  
102 FOR AGENT ORANGE EXPOSURE FOR UNITED STATES VIETNAM  
103 VETERANS THROUGH THE "BLUE WATER NAVY VIETNAM  
104 VETERANS ACT OF 2015".

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1 WHEREAS, During the Vietnam War, the United States military  
2 sprayed approximately 22 million gallons of Agent Orange and other  
3 herbicides over the Republic of Vietnam to reduce forest cover and crops  
4 used by the enemy; and

5 WHEREAS, These herbicides contained dioxin, which has since  
6 been identified as carcinogenic and has been linked to a number of  
7 serious and disabling illnesses affecting thousands of veterans; and

8 WHEREAS, The United States Congress passed the federal  
9 "Agent Orange Act of 1991" to address the plight of veterans exposed to  
10 herbicides while serving in the Republic of Vietnam, which amended  
11 Title 38 of the United States Code to presumptively recognize as  
12 service-connected certain diseases among military personnel who served  
13 in Vietnam between 1962 and 1975; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

1           WHEREAS, Presumptive status provides expedited claims  
2 processing for access to appropriate disability compensation and medical  
3 care for Vietnam veterans diagnosed with such illnesses as Type II  
4 diabetes, Hodgkin's disease, non-Hodgkin's lymphoma, prostate cancer,  
5 Parkinson's Disease, multiple myeloma, peripheral neuropathy, AL  
6 amyloidosis, respiratory cancers, soft tissue carcinomas, and other  
7 diseases yet to be identified; and

8           WHEREAS, The United States Department of Veterans Affairs  
9 Claims Adjudication Manual, more commonly known as the M21-1  
10 Manual, originally allowed the presumption to be extended to all veterans  
11 who had received the Vietnam Service Medal; and

12           WHEREAS, In a February 2002 revision to the M21-1 Manual, the  
13 United States Department of Veterans Affairs (VA) added a requirement  
14 that the veteran prove that he or she had set foot on the land or entered an  
15 internal river or stream, which means that since 2002 the VA has denied  
16 the presumption of a service connection for herbicide-related illnesses to  
17 Vietnam veterans who served in the waters off of the Vietnamese coast  
18 or in bays and harbors and who cannot furnish documentation that they  
19 had "boots on the ground" in-country, making it virtually impossible for  
20 countless United States Navy and Marine veterans to acquire VA  
21 benefits; and

22           WHEREAS, Personnel who served on ships in the "Blue Water  
23 Navy" in Vietnamese territorial waters were, in fact, exposed to  
24 dangerous airborne and waterborne toxins that did not merely drift  
25 offshore in the air, but also washed into streams and rivers draining into  
26 the South China Sea; and

27           WHEREAS, Warships positioned off the Vietnamese shore  
28 routinely distilled seawater to obtain potable water, and a 2002 Australian  
29 study found that the distillation process, rather than removing toxins,  
30 concentrated and enhanced dioxin in water used for drinking, cooking,  
31 and washing; and

32           WHEREAS, This study was conducted by the Australian  
33 Department of Veterans' Affairs after it found Vietnam veterans of the  
34 Royal Australian Navy had a higher rate of mortality from Agent  
35 Orange-associated diseases than did Vietnam veterans from other  
36 branches of the military, and when the United States Centers for Disease  
37 Control and Prevention studied specific cancers among Vietnam veterans,

1 it, too, found a higher incidence of certain cancers among United States  
2 Navy veterans; and

3 WHEREAS, Additional studies, including those conducted by the  
4 Institute of Medicine, show plausible pathways for Agent Orange to have  
5 entered the South China Sea via contaminated dirt and debris from rivers  
6 and streams; and

7 WHEREAS, The 2009 "Institute of Medicine (US) Committee to  
8 Review the Health Effects in Vietnam Veterans of Exposure to  
9 Herbicides (Seventh Biennial Update)" recommended that veterans who  
10 served on ships off the coast of the Republic of Vietnam not be excluded  
11 from the presumption of exposure; and

12 WHEREAS, Herbicides containing TCDD/dioxin did not  
13 discriminate between soldiers on the ground and sailors on ships offshore;  
14 and

15 WHEREAS, House Resolution 969 and identical companion bill  
16 Senate 681, the "Blue Water Navy Vietnam Veterans Act of 2015", were  
17 introduced, respectively, in the U.S. House of Representatives on March  
18 6, 2015, by Representative Christopher Gibson, and on March 19, 2015,  
19 by Senator Kirsten Gillibrand in the U. S. Senate; and

20 WHEREAS, More than 30 national veterans service organizations  
21 support the Congressional House and Senate legislation entitled "Blue  
22 Water Navy Vietnam Veterans Act of 2015"; and

23 WHEREAS, Various agencies of the federal government have  
24 recently demonstrated awareness of the hazards of Agent Orange  
25 exposure through participation and funding of the identification,  
26 containment, and mitigation of dioxin "hot spots" in Vietnam; and

27 WHEREAS, The United States Congress should reaffirm the  
28 nation's commitment to the well-being of all of its veterans by directing  
29 the United States Department of Veterans Affairs to properly administer  
30 the federal "Agent Orange Act of 1991" and by passing House Resolution  
31 969 and identical companion bill Senate 681, the "Blue Water Navy  
32 Vietnam Veterans Act of 2015", under the presumption that herbicide  
33 exposure in the Republic of Vietnam includes service on the offshore  
34 waters ; now, therefore,

1            *Be It Resolved by the Senate of the Seventieth General Assembly*  
2            *of the State of Colorado:*

3            That we, the members of the Senate of the Colorado General  
4            Assembly, hereby respectfully encourage the United States Congress to  
5            restore the presumption of service connection for Agent Orange exposure  
6            to United States veterans who served on the waters off the coast of the  
7            Republic of Vietnam; and

8            *Be It Further Resolved,* That copies of this resolution be sent to  
9            President Barack Obama; Vice President and President of the Senate Joe  
10           Biden; Speaker of the House of Representatives Paul Ryan; Chairman of  
11           the Subcommittee on Disability Assistance and Memorial Affairs in the  
12           House of Representatives; Chairman of the House Committee on  
13           Veterans Affairs; Chairman of the Senate Committee on Veterans Affairs;  
14           and to each member of the Colorado Congressional delegation.