

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. R16-0557.01 Gwynne Middleton x4340

SR16-002

SENATE SPONSORSHIP

Woods,

Senate Committees

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".**

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.