



SENATE RESOLUTION 16-002

BY SENATOR(S) Woods, Aguilar, Baumgardner, Carroll, Cooke, Crowder, Donovan, Garcia, Grantham, Guzman, Heath, Hill, Hodge, Holbert, Jahn, Jones, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Newell, Roberts, Scheffel, Scott, Steadman, Tate, Todd, Ulibarri, Cadman.

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

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

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

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

WHEREAS, Presumptive status provides expedited claims processing for access to appropriate disability compensation and medical care for Vietnam veterans diagnosed with such illnesses as Type II diabetes, Hodgkin's disease, non-Hodgkin's lymphoma, prostate cancer, Parkinson's Disease, multiple myeloma, peripheral neuropathy, AL amyloidosis,

respiratory cancers, soft tissue carcinomas, and other diseases yet to be identified; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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PRESIDENT OF
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