

MAR 07 2014

SENATE CONCURRENT RESOLUTION

URGING THE UNITED STATES CONGRESS TO RESTORE THE PRESUMPTION OF
A SERVICE CONNECTION FOR AGENT ORANGE EXPOSURE TO UNITED
STATES VETERANS WHO SERVED IN THE WATERS DEFINED BY THE
COMBAT ZONE AND IN THE AIRSPACE OVER THE COMBAT ZONE IN
VIETNAM.

1 WHEREAS, between 1962 and 1971, approximately 20,000,000
2 gallons of herbicides were used in Vietnam to defoliate forested
3 and rural land which provided cover for enemy forces during the
4 Vietnam conflict; and

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6 WHEREAS, the United States Congress enacted the Agent
7 Orange Act of 1991 to address the plight of veterans exposed to
8 herbicides while serving in the Republic of Vietnam; and

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10 WHEREAS, the Agent Orange Act amended title 38 of the
11 United States Code to presumptively recognize certain diseases
12 among military personnel who served in Vietnam between 1962 and
13 1975 as connected to their military service; and

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15 WHEREAS, the Agent Orange Act of 1991 provides Vietnam
16 veterans with access to disability compensation and medical
17 care; however, the Act does not address all Agent Orange
18 exposure possibilities; and

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20 WHEREAS, pursuant to a directive in 2001, it has been the
21 policy of the United States Department of Veterans Affairs to
22 deny the presumption of a service connection for herbicide-
23 related illnesses to Vietnam veterans who cannot furnish written
24 documentation that they had "boots on the ground"; and

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26 WHEREAS, personnel who served on ships in the "Blue Water
27 Navy" in Vietnamese territorial waters were exposed to dangerous
28 airborne toxins, which not only drifted offshore but also washed
29 into streams and rivers draining into the South China Sea; and
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1 WHEREAS, when the United States Centers for Disease Control
2 and Prevention studied specific cancers among Vietnam veterans,
3 it found a higher risk of cancer amongst United States Navy
4 veterans; and

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6 WHEREAS, herbicides containing tetrachlorodibenzodioxin
7 (TCDD), a contaminant in Agent Orange, did not discriminate
8 between soldiers on the ground and sailors on ships offshore;
9 and

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11 WHEREAS, more than thirty veterans' service organizations
12 support the federal Blue Water Navy Vietnam Veterans Act of
13 2013; and

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15 WHEREAS, by not enacting the Blue Water Navy Vietnam
16 Veterans Act of 2013, certain categories of veterans will be
17 provided with injury-related medical care while other categories
18 of veterans will be denied the same care, without any financial,
19 scientific, or consistent reasoning; and

20
21 WHEREAS, when the Agent Orange Act passed in 1991 with no
22 dissenting votes, Congressional leaders stressed the importance
23 of responding to the health concerns of Vietnam veterans and
24 ending the bitterness and anxiety that had surrounded the issue
25 of herbicide exposure; and

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27 WHEREAS, the federal government has also demonstrated its
28 awareness of the hazards of Agent Orange exposure through its
29 involvement in the identification, containment, and mitigation
30 of dioxin "hot spots" in Vietnam; and

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32 WHEREAS, the United States Congress should reaffirm the
33 nation's commitment to the well-being of all of its veterans and
34 direct the United States Department of Veterans Affairs to
35 administer the Agent Orange Act under the presumption that
36 herbicide exposure in the Republic of Vietnam includes exposure
37 sustained while in the country's inland waterways, offshore
38 waters, and airspace, encompassing the entire Combat Zone; now,
39 therefore,

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41 BE IT RESOLVED by the Senate of the Twenty-seventh
42 Legislature of the State of Hawaii, Regular Session of 2014, the
43 House of Representatives concurring, that the United States
44 Congress is respectfully urged to restore the presumption of a



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1 service connection for Agent Orange exposure to United States
2 veterans who served in the waters defined by the Combat Zone and
3 in the airspace over the Combat Zone in Vietnam; and
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5 BE IT FURTHER RESOLVED that the United States Congress is
6 respectfully urged to enter this measure into the Congressional
7 Record as an official memorial to the Congress; and
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9 BE IT FURTHER RESOLVED that certified copies of this
10 Concurrent Resolution be transmitted to the President of the
11 United States, President Pro Tempore of the United States
12 Senate, Speaker of the United States House of Representatives,
13 and Hawaii's congressional delegation.
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