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## HOUSE 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, during the Vietnam War, the United States military  
2 sprayed 22,000,000 gallons of Agent Orange and other herbicides  
3 over Vietnam to reduce forest cover and crops used by the enemy;  
4 and

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

10  
11 WHEREAS, the United States Congress passed the Agent Orange  
12 Act of 1991 to address the plight of veterans exposed to  
13 herbicides while serving the Republic of Vietnam; and

14  
15 WHEREAS, the Agent Orange Act of 1991 amended Title 38 of  
16 the United States Code to presumptively recognize as service-  
17 connected certain diseases among military personnel who served  
18 in Vietnam between 1962 and 1975; and

19  
20 WHEREAS, this presumption has provided access to  
21 appropriate disability compensation and medical care for Vietnam  
22 veterans diagnosed with illnesses, such as Type II diabetes,  
23 Hodgkin's disease, non-Hodgkin's lymphoma, prostate cancer,  
24 Parkinson's disease, multiple myeloma, peripheral neuropathy, AL  
25 Amyloidosis respiratory cancers, soft-tissue sarcomas, and other  
26 illnesses yet to be identified; and

27  
28 WHEREAS, pursuant to a directive in 2001, it has been the  
29 policy of the United States Department of Veterans Affairs to  
30 deny the presumption of a service connection for herbicide-



1 related illnesses to Vietnam veterans who cannot furnish written  
2 documentation that they had "boots on the ground" in-country,  
3 making it virtually impossible for countless United States Navy,  
4 Marine Corps, and Air Force veterans to pursue their claims for  
5 benefits; and

6  
7 WHEREAS, personnel who served on ships in the "Blue Water  
8 Navy" in Vietnamese territorial waters were, in fact, exposed to  
9 dangerous airborne toxins, which not only drifted offshore but  
10 also washed into streams and rivers draining into the South  
11 China Sea; and

12  
13 WHEREAS, Agent Orange has been verified, through various  
14 studies and reports, as a wide-spreading chemical that was able  
15 to reach United States Navy ships through the air and waterborne  
16 distribution routes; and

17  
18 WHEREAS, warships positioned off the Vietnamese shore  
19 routinely distilled seawater to obtain potable water; and

20  
21 WHEREAS, an Australian study in 2002 found that the  
22 distillation process, instead of removing toxins, actually  
23 concentrated dioxin in water used for drinking, cooking, and  
24 washing; and

25  
26 WHEREAS, this study was conducted by the Australian  
27 Department of Veterans Affairs after it found that Vietnam  
28 veterans of the Royal Australian Navy suffered from a higher  
29 rate of mortality from Agent Orange-associated diseases than did  
30 Vietnam veterans from other branches of the military; and

31  
32 WHEREAS, when the United States Centers for Disease Control  
33 and Prevention studied specific cancers among Vietnam veterans,  
34 it found a higher risk of cancer among United States Navy  
35 veterans; and

36  
37 WHEREAS, herbicides containing tetrachlorodibenzodioxin  
38 (TCDD), a contaminant in Agent Orange, did not discriminate  
39 between soldiers on the ground and sailors on ships offshore;  
40 and



1 WHEREAS, more than 30 veterans' service organizations  
2 support the Blue Water Navy Vietnam Veterans Act of 2013 (H.R.  
3 543); and

4  
5 WHEREAS, by not passing H.R. 543, a precedent could be set  
6 to selectively provide certain categories of veterans with  
7 injury-related medical care while denying such care to other  
8 categories of veterans, without any financial, scientific, or  
9 consistent reasoning; and

10  
11 WHEREAS, when the Agent Orange Act passed in 1991 with no  
12 dissenting votes, congressional leaders stressed the importance  
13 of responding to the health concerns of Vietnam veterans and  
14 ending the bitterness and anxiety that had surrounded the issue  
15 of herbicide exposure; and

16  
17 WHEREAS, the federal government has also demonstrated its  
18 awareness of the hazards of Agent Orange exposure through its  
19 involvement in the identification, containment, and mitigation  
20 of dioxin "hot spots" in Vietnam; and

21  
22 WHEREAS, the United States Congress should reaffirm the  
23 nation's commitment to the well-being of all of its veterans and  
24 direct the United States Department of Veterans Affairs to  
25 administer the Agent Orange Act under the presumption that  
26 herbicide exposure in the Republic of Vietnam includes the  
27 country's inland waterways, offshore waters, and airspace,  
28 encompassing the entire Combat Zone; now, therefore,

29  
30 BE IT RESOLVED by the House of Representatives of the  
31 Twenty-seventh Legislature of the State of Hawaii, Regular  
32 Session of 2014, the Senate concurring, that the United States  
33 Congress is respectfully urged to restore the presumption of a  
34 service connection for Agent Orange exposure to United States  
35 veterans who served in the waters defined by the Combat Zone and  
36 in the airspace over the Combat Zone in Vietnam; and

37  
38 BE IT FURTHER RESOLVED that the United States Congress is  
39 respectfully urged to enter this Concurrent Resolution into the  
40 Congressional Record as an official memorial to the Congress;  
41 and





# H.C.R. NO. 36

1 BE IT FURTHER RESOLVED that certified copies of this  
2 Concurrent Resolution be transmitted to the President of the  
3 United States, President Pro Tempore of the United States  
4 Senate, Speaker of the United States House of Representatives,  
5 and the members of Hawaii's Congressional delegation.

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OFFERED BY:

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