



House of Representatives

General Assembly

File No. 77

February Session, 2016

House Joint Resolution No. 25

House of Representatives, March 21, 2016

The Committee on Veterans' Affairs reported through REP. HENNESSY of the 127th Dist., Chairperson of the Committee on the part of the House, that the joint resolution ought to be adopted.

RESOLUTION RECOGNIZING BLUE WATER NAVY VETERANS.

Resolved by this Assembly:

1 WHEREAS, during the Vietnam War, the United States military
2 sprayed approximately twenty-two million gallons of agent orange
3 and other herbicides over Vietnam to reduce forest cover and crops
4 used by the enemy; and

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

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

13 WHEREAS, presumptive status provides expedited claims

14 processing for access to appropriate disability compensation and
15 medical care for Vietnam veterans diagnosed with such illnesses as
16 Type II diabetes, Hodgkin's disease, non-Hodgkin's lymphoma,
17 prostate cancer, Parkinson's disease, multiple myeloma, peripheral
18 neuropathy, AL amyloidosis, respiratory cancers, soft tissue
19 carcinomas and other diseases yet to be identified; and

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

24 WHEREAS, in a February 2002 revision to the M21-1 Manual, the
25 United States Department of Veterans Affairs added a requirement
26 that a veteran prove that he or she had set foot on land or entered an
27 internal river or stream in Vietnam during the war in order to receive
28 presumptive status; and

29 WHEREAS, since February 2002, the United States Department of
30 Veterans Affairs has accordingly denied the presumption of a service
31 connection for herbicide-related illnesses to Vietnam veterans who
32 served in the waters off the Vietnamese coast or in bays and harbors
33 and who cannot furnish documentation that they had "boots on the
34 ground" in-country, making it virtually impossible for countless
35 United States Navy and Marine veterans to acquire federal veterans'
36 benefits; and

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

42 WHEREAS, ships positioned off the Vietnamese coast routinely
43 distilled sea water to obtain potable water, and a 2002 Australian study
44 found that such distillation process, rather than removing toxins,
45 concentrated and enhanced the dioxin in water used for drinking,

46 cooking and washing; and

47 WHEREAS, such study was conducted by the Australian
48 Department of Veterans' Affairs after it found Vietnam veterans of the
49 Royal Australian Navy had a higher rate of mortality from agent
50 orange-associated diseases than did Vietnam veterans from other
51 branches of the military; and

52 WHEREAS, when the United States Centers for Disease Control and
53 Prevention conducted its own study of specific cancers among
54 Vietnam veterans, it also found a higher incidence of certain cancers
55 among United States Navy veterans; and

56 WHEREAS, additional studies, including those conducted by the
57 Institute of Medicine, show plausible pathways for agent orange to
58 have entered the South China Sea through contaminated dirt and
59 debris from rivers and streams; and

60 WHEREAS, the 2009 study by the Institute of Medicine Committee,
61 "Review of the Health Effects in Vietnam Veterans of Exposure to
62 Herbicides (Seventh Biennial Update)", recommended that veterans
63 who served on ships off the coast of Vietnam during the war not be
64 excluded from the presumption of exposure; and

65 WHEREAS, herbicides containing dioxin did not discriminate
66 between soldiers on the ground and sailors on ships offshore; and

67 WHEREAS, the Blue Water Navy Vietnam Veterans Act of 2015 was
68 introduced through identical companion legislation in the United
69 States House of Representatives, by Representative Christopher
70 Gibson on March 6, 2015, as House Resolution 969, and the United
71 States Senate, by Senator Kirsten Gillibrand on March 19, 2015, as
72 Senate Bill 681; and

73 WHEREAS, more than thirty national veterans service organizations
74 support the Blue Water Navy Vietnam Veterans Act of 2015; and

75 WHEREAS, various agencies of the federal government have

76 recently demonstrated awareness of the hazards of agent orange
77 exposure through participation and funding of the identification,
78 containment and mitigation of dioxin "hot spots" in Vietnam; and

79 WHEREAS, the United States Congress should reaffirm the nation's
80 commitment to the well-being of all its veterans by directing the
81 United States Department of Veterans Affairs to properly administer
82 the Agent Orange Act of 1991 by passing House Resolution 969 and
83 Senate Bill 681, the Blue Water Navy Vietnam Veterans Act of 2015,
84 and thereby realow the presumption that herbicide exposure in
85 Vietnam during the war includes service in the coastal waters.

86 NOW, THEREFORE, BE IT RESOLVED, that the Connecticut
87 General Assembly hereby respectfully encourages the United States
88 Congress to restore the presumption of service connection for agent
89 orange exposure to United States veterans who served in the coastal
90 waters of Vietnam during the war; and

91 BE IT FURTHER RESOLVED, that the clerks of the House of
92 Representatives and the Senate transmit copies of this resolution to the
93 President of the United States; the Vice President of the United States
94 in his capacity as presiding officer of the United States Senate; the
95 Speaker of the United States House of Representatives; the
96 Chairperson of the Senate Committee on Veterans Affairs; the
97 Chairperson of the House of Representatives Committee on Veterans
98 Affairs; the Chairperson of the House of Representatives
99 Subcommittee on Disability Assistance and Memorial Affairs; and each
100 Senator and Representative from Connecticut in the Congress of the
101 United States.

VA *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$
Legislative Mgmt.	GF - Cost	10

Note: GF=General Fund

Municipal Impact: None

Explanation

There would be a cost of approximately \$10 in FY 17 for the Office of Legislative Management (OLM) to mail copies of this resolution to the President, the Vice President, the Veterans Affairs Chairperson positions in the United States House of Representatives and the United States Senate, and each member of the Connecticut congressional delegation.

The Out Years

As this is a one-time expenditure, there would be no future costs.



OLR Bill Analysis

HJ 25

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SUMMARY:

The Office of Legislative Research does not analyze Resolutions.

COMMITTEE ACTION

Veterans' Affairs Committee

Joint Favorable

Yea 13 Nay 0 (03/03/2016)