

Regular Session, 2010

HOUSE CONCURRENT RESOLUTION NO. 127

BY REPRESENTATIVE CROMER

A CONCURRENT RESOLUTION

To memorialize the United States Congress to support passage of and funding of the Agent Orange Equity Act of 2009, H.R. 2254, and to restore the presumption of a service connection for Agent Orange exposure for United States Navy and Air Force veterans who served on the inland waterways and territorial waters and in the airspace of Vietnam, Thailand, Laos, and Cambodia.

WHEREAS, during the Vietnam Conflict, the United States military sprayed more than nineteen million gallons of Agent Orange and other herbicides over Vietnam to reduce forest cover and crops used by the enemy; these herbicides contained dioxin, which has since been identified as carcinogenic and has been linked with a number of serious and disabling illnesses now affecting thousands of veterans; and

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

WHEREAS, this presumption has provided 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, chronic lymphocytic leukemia, multiple myeloma, prostate cancer, respiratory cancers, and soft-tissue sarcomas; and

WHEREAS, pursuant to a 2002 directive, United States Department of Veterans Affairs policy has denied the presumption of a service connection for herbicide-related illnesses to Vietnam veterans who could not furnish written documentation that they had "boots on the ground" in-country, making it virtually impossible for countless United States Navy and Air Force veterans to pursue their claims for benefits; and

WHEREAS, many who landed on Vietnamese soil cannot produce proof due to incomplete or missing military records; moreover, personnel who served on ships in the "Blue Water Navy" in Vietnamese territorial waters were, in fact, exposed to dangerous airborne toxins which not only drifted offshore 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 dioxin in water used for drinking, cooking, and washing; this study was conducted by the Australian Department of Veterans' Affairs after it found that Vietnam veterans of the Royal Australian Navy had a higher rate of mortality from Agent Orange-associated diseases than Vietnam veterans from other branches of the military; and

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

WHEREAS, Agent Orange did not discriminate between soldiers on the ground and sailors on ships offshore, and legislation to recognize this tragic fact and restore eligibility for compensation and medical care to United States Navy and Air Force veterans who sacrificed their health for their country is critical; and

WHEREAS, when the Agent Orange Act passed in 1991 with no dissenting votes, congressional leaders stressed the importance of responding to the health concerns of Vietnam veterans and ending the bitterness and anxiety surrounding the issue of herbicide exposure; and

WHEREAS, congress should reaffirm the nation's commitment to the well-being of all of its veterans and direct the Department of Veterans Affairs to administer the Agent Orange Act under the presumption that herbicide exposure in Vietnam includes the country's inland waterways, offshore waters, and airspace.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to support passage of and fund the Agent Orange Equity Act of 2009, H.R. 2254, and to restore the presumption of a service connection for Agent Orange exposure for United States Navy and

Air Force veterans who served on the inland waterways and territorial waters and in the airspace of Vietnam, Thailand, Laos, and Cambodia.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE