House Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HOUSE MEMORIAL 2001

A MEMORIAL

URGING THE UNITED STATES CONGRESS TO RESTORE THE PRESUMPTION OF A SERVICE CONNECTION BETWEEN AGENT ORANGE EXPOSURE AND SUBSEQUENT ILLNESSES TO UNITED STATES VIETNAM WAR VETERANS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

To the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, during the Vietnam War, the United States military sprayed twenty-two million gallons of Agent Orange and other herbicides over Vietnam to reduce forest cover and crops that the enemy used. These herbicides contained dioxin, which has since been identified as carcinogenic and has been linked with a number of serious and disabling illnesses affecting thousands of veterans; and

Whereas, the United States Congress passed the Agent Orange Act of 1991 (P.L. 102-4; 105 stat 11; 38 United States code section 1116) that presumptively recognized as service-connected certain diseases among military personnel who served in Vietnam between 1962 and 1975. This presumption has provided access to appropriate disability compensation and medical care for Vietnam veterans who were diagnosed with illnesses such 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 sarcomas and others yet to be identified; and

Whereas, pursuant to a 2001 directive, the United States Department of Veterans Affairs policy has denied the presumption of a service connection for herbicide-related illnesses to Vietnam veterans who cannot furnish written documentation that they had "boots on the ground" in-country during their time of service, making it virtually impossible for countless United States Navy, Marine and Air Force veterans to pursue their claims for benefits. 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 washed into streams and rivers draining into the South China Sea; and

Whereas, ever since this 2001 directive was implemented, the United States Navy has been excluded from receiving benefits even though Agent Orange has been verified, through various studies and reports, as a wide-spreading chemical that was able to reach Navy ships through the air and waterborne distribution routes; and

Whereas, warships that were positioned off the Vietnamese shore routinely distilled seawater to obtain potable water. A 2002 Australian study found that the distillation process, rather than removing toxins, in fact concentrated dioxin in water that was 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 did Vietnam veterans from other branches of the military. When the United States 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, herbicides containing dioxin did not discriminate between soldiers on the ground and sailors on ships offshore; and

Whereas, more than thirty veterans service organizations support the Blue Water Navy Vietnam Veterans Act of 2013. By not passing H.R. 543, a precedent could be set to selectively provide certain groups with injury-related medical care while denying other groups without any financial, scientific or consistent reasoning; 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 that had surrounded the issue of herbicide exposure. The federal government has also demonstrated its awareness of the hazards of Agent Orange exposure through its involvement in 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 its veterans and direct the United States 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, encompassing the entire combat zone. Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

1. That the United States Congress restore the presumption of a service connection between Agent Orange exposure and subsequent illnesses to United States Vietnam War veterans who served in the waters, which is defined as the combat zone, and in the airspace over the combat zone.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the state of Arizona.

PASSED BY THE HOUSE FEBRUARY 24, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE FEBRUARY 24, 2014.

Passed the House February 24, 20 14

by the following vote: 59 Ayes

0 Nays, 1 Not Voting

Speaker of the House of Representatives

Cheryl Laube

Chief Clerk of the House of Representatives

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Memorial received by the Secretary of State

this 24th day of February, 20 14

at 3:56 o'clock P M.

Secretary of State

H.M. 2001