

# House Joint Memorial 9

Sponsored by Representative PARRISH

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Urges Congress to recognize presumption of service connection for Blue Water Vietnam War veterans exposed to Agent Orange.

## JOINT MEMORIAL

1 To the President of the United States and the Senate and the House of Representatives of the United  
2 States of America, in Congress assembled:

3 We, your memorialists, the Seventy-eighth Legislative Assembly of the State of Oregon, in leg-  
4 islative session assembled, respectfully represent as follows:

5 Whereas during the Vietnam War, the United States military sprayed nearly 20 million gallons  
6 of Agent Orange and other herbicides over Vietnam to reduce forest cover and crops used by the  
7 enemy; and

8  
9 Whereas these herbicides contained dioxin, which has since been identified as carcinogenic and  
10 has been linked to a number of serious and debilitating illnesses affecting thousands of Vietnam  
11 War veterans; and

12 Whereas Congress passed the Agent Orange Act of 1991 (P.L. 102-4) to address the plight of  
13 veterans exposed to herbicides while serving in Vietnam; and

14 Whereas the Agent Orange Act amends Title 38 of the United States Code to presumptively  
15 recognize the service connection for certain diseases among military personnel who served in  
16 Vietnam between 1962 and 1975; and

17 Whereas this presumption has provided access to appropriate disability compensation and med-  
18 ical care for Vietnam War veterans diagnosed with such illnesses as Type II diabetes, Hodgkin's  
19 disease, non-Hodgkin's lymphoma, prostate cancer, Parkinson's disease, multiple myeloma, early-  
20 onset peripheral neuropathy, amyloid light-chain amyloidosis, respiratory cancers and soft-tissue  
21 sarcomas; and

22 Whereas United States Department of Veterans Affairs policy has denied the presumption of  
23 service connection for herbicide-related illnesses to Vietnam War veterans who cannot furnish  
24 written documentation that they stepped foot on the land of Vietnam or served on its inland  
25 waterways, making it virtually impossible for many United States Navy, Marine Corps and Air Force  
26 veterans to pursue their claims for benefits; and

27 Whereas military personnel known as Blue Water Navy Vietnam veterans who served on ships  
28 in Vietnam's territorial waters were in fact exposed to dangerous airborne toxins that not only  
29 drifted offshore but washed into streams and rivers and drained into the South China Sea; and

30 Whereas Agent Orange has been verified, through various studies and reports, as a wide-  
31 spreading chemical that was able to reach Navy ships in Vietnam's territorial waters through the

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 air and waterborne distribution routes; and

2 Whereas warships positioned off of the shores of Vietnam routinely distilled seawater to obtain  
3 potable water; and

4 Whereas a 2002 Australian study found that the distillation process, rather than removing  
5 toxins, in fact concentrated dioxin in water used for drinking, cooking and washing; and

6 Whereas the study was conducted by the Australian Department of Veterans' Affairs after it  
7 found that Vietnam War veterans of the Royal Australian Navy had a higher rate of mortality from  
8 Agent Orange-associated diseases than did Vietnam War veterans from other branches of the mili-  
9 tary; and

10 Whereas when the United States Centers for Disease Control and Prevention studied specific  
11 cancers among Vietnam War veterans, a higher risk of cancer was found among veterans from the  
12 United States Navy; and

13 Whereas herbicides containing tetrachlorodibenzodioxin, a contaminant in Agent Orange, did  
14 not discriminate between soldiers on the ground and sailors on ships offshore; and

15 Whereas more than 30 veterans services organizations support the Blue Water Navy Vietnam  
16 Veterans Act of 2013 (H.R. 543); and

17 Whereas by not passing the Blue Water Navy Vietnam Veterans Act, a precedent could be set  
18 to selectively provide certain groups with injury-related medical care while denying other groups  
19 such care without any financial, scientific or consistent reasoning; and

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

23 Whereas the federal government has demonstrated its awareness of the hazards of Agent Orange  
24 exposure through its involvement in the identification, containment and mitigation of dioxin hot  
25 spots in Vietnam; and

26 Whereas the United States Congress should reaffirm the nation's commitment to the well-being  
27 of all veterans and direct the United States Department of Veterans Affairs to administer the Agent  
28 Orange Act under the presumption that herbicide exposure in Vietnam includes Vietnam's land, in-  
29 land waterways, offshore waters and airspace, encompassing the entire combat zone; now, therefore,  
30 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

31 That we, the members of the Seventy-eighth Legislative Assembly, hereby respectfully urge the  
32 Congress of the United States of America to recognize the presumption of a service connection for  
33 Agent Orange exposure for United States veterans who served in the waters defined by the combat  
34 zone in Vietnam, and in the airspace over the combat zone; and be it further

35 Resolved, That copies of this memorial shall be sent to the President of the United States, to  
36 the Senate Majority Leader, to the Speaker of the House of Representatives and to each member  
37 of the Oregon Congressional Delegation.

38