

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE RESOLUTION

No. 403 Session of  
2009

INTRODUCED BY MOUL, BELFANTI, BENNINGHOFF, BEYER, BOBACK, BOYD, BRADFORD, CAUSER, CLYMER, CONKLIN, D. COSTA, CUTLER, DIGIROLAMO, FLECK, GEIST, GEORGE, GINGRICH, GROVE, GRUCELA, HARHART, HARKINS, HESS, HUTCHINSON, KAUFFMAN, KULA, LONGIETTI, MAJOR, MANN, MARSHALL, MENSCH, MILLARD, MURPHY, MURT, O'NEILL, PALLONE, PAYNE, PHILLIPS, PYLE, RAPP, READSHAW, REICHLEY, ROAE, ROCK, SABATINA, SCAVELLO, SIPTROTH, SWANGER, TRUE, VEREB, VULAKOVICH, WATSON, YOUNGBLOOD AND GOODMAN, JULY 10, 2009

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, JULY 10, 2009

## A CONCURRENT RESOLUTION

1 Relating to the presumption of a service connection for Agent  
2 Orange exposure for certain Navy and Air Force veterans and  
3 calling on the Congressional Delegation of the Commonwealth  
4 of Pennsylvania to fully support and fund passage of the  
5 Agent Orange Equity Act of 2009.

6 WHEREAS, During the Vietnam Conflict, the United States  
7 military sprayed more than 19 million gallons of Agent Orange  
8 and other herbicides over Vietnam to reduce forest cover and  
9 crops used by the enemy; these herbicides contained dioxin,  
10 which has since been identified as carcinogenic and has been  
11 linked with a number of serious and disabling illnesses now  
12 affecting thousands of veterans; and

13 WHEREAS, The Congress of the United States passed the Agent  
14 Orange Act of 1991 to address the plight of veterans exposed to  
15 herbicides while serving in Vietnam; and

1 WHEREAS, The act amended Title 38 of the United States Code  
2 to presumptively recognize as service-connected, certain  
3 diseases among military personnel who served in the Vietnam  
4 Conflict between 1962 and 1975; and

5 WHEREAS, This presumption has provided access to appropriate  
6 disability compensation and medical care for Vietnam veterans  
7 diagnosed with such illnesses as Type II diabetes, Hodgkin's  
8 disease, non-Hodgkin's lymphoma, chronic lymphocytic leukemia,  
9 multiple myeloma, prostate cancer, respiratory cancers and soft-  
10 tissue sarcomas; and

11 WHEREAS, Pursuant to a 2001 directive, the Department of  
12 Veterans Affairs policy has denied the presumption of a service  
13 connection for herbicide-related illnesses to Vietnam veterans  
14 who could not furnish written documentation that they had "boots  
15 on the ground" in-country, making it virtually impossible for  
16 countless United States Navy and Air Force veterans to pursue  
17 their claims for benefits; and

18 WHEREAS, Many who had landed on Vietnamese soil could not  
19 produce proof due to incomplete or missing military records,  
20 moreover, personnel who had served on ships in the "Blue Water  
21 Navy" in Vietnamese territorial waters were, in fact, exposed to  
22 dangerous airborne toxins, which not only drifted offshore but  
23 also washed into streams and rivers draining into the South  
24 China Sea; and

25 WHEREAS, Warships positioned off the Vietnamese shore  
26 routinely distilled seawater to obtain potable water; and

27 WHEREAS, A 2002 Australian study found that the distillation  
28 process, rather than removing toxins, in fact, concentrated  
29 dioxin in water used for drinking, cooking and washing; and

30 WHEREAS, This study was conducted by the Australian

1 Department of Veteran Affairs after it found that Vietnam  
2 veterans of the Royal Australian Navy had a higher rate of  
3 mortality from Agent Orange-associated diseases than did Vietnam  
4 veterans from other branches of the military; and

5 WHEREAS, When the Centers for Disease Control and Prevention  
6 studied specific cancers among Vietnam veterans, it found a  
7 higher risk of cancer among Navy veterans; and

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

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

18 WHEREAS, Congress should reaffirm the nation's commitment to  
19 the well-being of all of its veterans and direct the Department  
20 of Veterans Affairs to administer the Agent Orange Act under the  
21 presumption that herbicide exposure in Vietnam includes the  
22 country's inland waterways, offshore waters and airspace;  
23 therefore be it

24 RESOLVED (the Senate concurring), That the General Assembly  
25 of the Commonwealth of Pennsylvania respectfully urge the  
26 Congress and President of the United States to restore the  
27 presumption of a service connection for Agent Orange exposure  
28 for United States Navy and Air Force veterans who served on the  
29 inland waterways, territorial waters and in the airspace of  
30 Vietnam, Thailand, Laos and Cambodia; and be it further

1       RESOLVED, That the Secretary of State of the Commonwealth of  
2       Pennsylvania forward official copies of this resolution to the  
3       President of the United States, to the President of the Senate  
4       and the Speaker of the House of Representatives of the United  
5       States, and to all the members of the Pennsylvania delegation to  
6       the 111th Congress urging the members of the delegation to  
7       support and fund the Agent Orange Equity Act of 2009 and with  
8       the request that this resolution be officially entered in the  
9       Congressional Record as a memorial to the Congress of the United  
10      States of America.