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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE NO. **3188**

February 25, 2010

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The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs

March 11, 2010

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A resolution

1.2 calling on the Congressional Delegation of the Great State of Minnesota to fully  
1.3 support and fund passage of the Agent Orange Equity Act of 2009.

1.4 WHEREAS, during the Vietnam War, the United States military sprayed more than 19  
1.5 million gallons of Agent Orange and other herbicides over Vietnam to reduce forest cover and  
1.6 crops used by the enemy; these herbicides contained dioxin, which has since been identified as  
1.7 carcinogenic and has been linked with a number of serious and disabling illnesses now affecting  
1.8 thousands of veterans; and

1.9 WHEREAS, the United States Congress passed the Agent Orange Act of 1991 to address  
1.10 the plight of veterans exposed to herbicides while serving in the Republic of Vietnam; the act  
1.11 amended Title 38 of the United States Code to presumptively recognize as service-connected  
1.12 certain diseases among military personnel who served in Vietnam between 1962 and 1975;  
1.13 this presumption has provided access to appropriate disability compensation and medical care  
1.14 for Vietnam veterans diagnosed with such illnesses as Type II diabetes, Hodgkins's disease,  
1.15 non-Hodgkins lymphoma, chronic lymphocytic leukemia, multiple myeloma, prostate cancer,  
1.16 respiratory cancers, and soft-tissue sarcomas; and

1.17 WHEREAS, pursuant to a 2002 directive, the Department of Veterans Affairs policy  
1.18 has denied the presumption of a service connection for herbicide-related illnesses to Vietnam  
1.19 veterans who could not furnish written documentation that they had "boots on the ground"  
1.20 in-country, making it virtually impossible for countless Navy and Air Force veterans to pursue  
1.21 their claims for benefits; many who had landed on Vietnamese soil could not produce proof due  
1.22 to incomplete or missing military records; moreover, personnel who had served on ships in the  
1.23 "Blue Water Navy" in Vietnamese territorial waters were, in fact, exposed to dangerous airborne

2.1 toxins, which not only drifted offshore but also washed into streams and rivers draining into  
2.2 the South China Sea; and

2.3 WHEREAS, warships positioned off the Vietnamese shore routinely distilled seawater to  
2.4 obtain potable water; a 2002 Australian study found that the distillation process, rather than  
2.5 removing toxins, in fact concentrated dioxin in water used for drinking, cooking, and washing;  
2.6 this study was conducted by the Australian Department of Veteran Affairs after it found that  
2.7 Vietnam veterans of the Royal Australian Navy had a higher rate of mortality from Agent  
2.8 Orange-associated diseases than did Vietnam veterans from other branches of the military; when  
2.9 the United States Centers for Disease Control and Prevention studied specific cancers among  
2.10 Vietnam veterans, it found a higher risk of cancer among Navy veterans; and

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

2.15 WHEREAS, when the Agent Orange Act passed in 1991 with no dissenting votes,  
2.16 Congressional leaders stressed the importance of responding to the health concerns of Vietnam  
2.17 veterans and ending the bitterness and anxiety that had surrounded the issue of herbicide  
2.18 exposure; Congress should reaffirm the nation's commitment to the well-being of all of its  
2.19 veterans and direct the Department of Veterans Affairs to administer the Agent Orange Act under  
2.20 the presumption that herbicide exposure in the Republic of Vietnam includes the country's inland  
2.21 waterways, offshore waters, and airspace; NOW, THEREFORE,

2.22 BE IT RESOLVED by the Legislature of the State of Minnesota that it respectfully urges,  
2.23 the President and the Congress of the United States to restore the presumption of a service  
2.24 connection for Agent Orange exposure to Navy and Air Force veterans who served on the inland  
2.25 waterways, territorial waters, and in the airspace of the Republic of Vietnam; and in Thailand,  
2.26 Laos, and Cambodia, and

2.27 BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is  
2.28 directed to prepare copies of this memorial and transmit them to the President of the United  
2.29 States, the President and the Secretary of the United States Senate, the Speaker and the Clerk  
2.30 of the United States House of Representatives, the chair of the Senate Committee on Veteran  
2.31 Affairs, the chair of the House Committee on Veteran Affairs, and Minnesota's Senators and  
2.32 Representatives in Congress urging the members of the delegation to support and fund the Agent  
2.33 Orange Equity Act of 2009 and with the request that this resolution be officially entered in the  
2.34 Congressional Record as a memorial to the Congress of the United States of America.