

2017-K123

Assembly Resolution No. 123

BY: M. of A. DenDekker

URGING the New York State Congressional delegation
to pass the Blue Water Navy Vietnam Veterans Act of
2013, H.R. 543

WHEREAS, The federal legislation, the Blue Water Navy Vietnam
Veterans Act of 2013, would allow blue water veterans who served up to
12 miles off-shore in Vietnam presumption coverage for Agent Orange
exposure; this would enable them to receive Department of Veterans
Affairs (VA) benefits if they suffer from any of the diseases linked to
Agent Orange; and

WHEREAS, Dioxin is a chemical contaminant that was contained in
Agent Orange, a herbicide used for defoliation in Vietnam from 1962
until 1971; and

WHEREAS, Agent Orange received its name from orange painted on
barrels containing the herbicide; and

WHEREAS, Herbicide-spraying operations were conducted to clear
vegetation, denying the enemy camouflage or cover for ambush; herbicides
were also used to destroy enemy food crops and to clear base perimeters,
landing zones, waterways, and communication lines; an estimated 11
million gallons of Agent Orange were sprayed; and

WHEREAS, Diseases and/or conditions were recognized by the federal Department of Veterans Affairs to be associated with Agent Orange; among those cited include, but limited to: adult-onset diabetes mellitus (Type 11), Parkinson's disease, prostate cancer, multiple myeloma, respiratory cancers, and soft-tissue sarcoma; and

WHEREAS, In 1991, federal legislation was enacted to allow the Secretary of Veterans Affairs to declare certain illnesses "presumptive" to exposure to Agent Orange and enabled these veterans to receive disability compensation for these related conditions; and

WHEREAS, In 2002, the VA limited the scope of the law to only those veterans who could provide orders for "boots on the ground" in Vietnam; boots on the ground encompassed infantry and the riverine navy; as a result, veterans who served in the waters off Vietnam, commonly known as "blue water veterans," were forced to file individual claims with the VA to restore their benefits which are then decided on a case-by-case basis; of those cases, the VA has denied over 32,000 through 2009; and

WHEREAS, In May of 2011, a report issued by the Institute of Medicine concluded that plausible routes of exposure of Agent Orange exist for blue water veterans; presumptive coverage lifts the burden of proof from the individual veteran to prove direct exposure of Agent Orange; and

WHEREAS, This legislation is endorsed by about 35 military and veterans organizations including: the Vietnam Veterans of America, the Vietnam Veterans of America New York State Council, the Agent Orange

Legacy, Children of Vietnam Veterans Health Alliance and the Blue Water Sailors of the Vietnam War; now, therefore, be it

RESOVLED, That the New York State Congressional delegation be and hereby is respectfully memorialized by this Legislative Body to pass legislation to provide presumptive coverage of Agent Orange exposure to those veterans known as "blue water veterans", H.R. 543; and be it further

RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to each member of the Congressional delegation from the State of New York; John Rowan, President, Vietnam Veterans of America; and Ned D. Foote, President, Vietnam Veterans of America New York State Council.