

114TH CONGRESS  
2D SESSION

# S. CON. RES. 51

Expressing the sense of Congress that those who served in the bays, harbors, and territorial seas of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, should be presumed to have been exposed to the toxin Agent Orange and should be eligible for all related Federal benefits that come with such presumption under the Agent Orange Act of 1991.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2016

Mr. GRASSLEY (for himself, Mrs. GILLIBRAND, and Mr. DAINES) submitted the following concurrent resolution; which was referred to the Committee on Veterans' Affairs

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## CONCURRENT RESOLUTION

Expressing the sense of Congress that those who served in the bays, harbors, and territorial seas of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, should be presumed to have been exposed to the toxin Agent Orange and should be eligible for all related Federal benefits that come with such presumption under the Agent Orange Act of 1991.

Whereas section 1116(f) of title 38, United States Code, states that “For the purposes of establishing service connection for a disability or death resulting from exposure to a herbicide agent, including a presumption of service-

connection under this section, a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, shall be presumed to have been exposed during such service to an herbicide agent containing dioxin or 2,4 dichlorophenoxyacetic acid, and may be presumed to have been exposed during such service to any other chemical compound in an herbicide agent, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service.”;

Whereas the international definition and United States-recognized borders of the Republic of Vietnam includes the bays, harbors, and territorial seas of that Republic;

Whereas multiple scientific and medical sources, including studies done by the Government of Australia, have shown evidence of exposure to herbicide agents such as Agent Orange by those serving in the bays, harbors, and territorial seas of the Republic of Vietnam;

Whereas veterans who served in the Armed Forces in the bays, harbors, and territorial seas of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, were exposed to this toxin through their ships’ distillation processes, air and water currents, and the use of exposed water from inland sources, such as water from near heavily sprayed Monkey Mountain, delivered by exposed water barges;

Whereas such veterans experience a significantly higher percentage of medical conditions associated with Agent Orange exposure compared to those in the regular populace;

Whereas when passing the Agent Orange Act of 1991 (Public Law 102–4), Congress did not differentiate between those who served on the inland waterways and on land versus those who served in the bays, harbors, and territorial seas of that Republic;

Whereas the purpose behind providing presumptive coverage for medical conditions associated with exposure to Agent Orange is because proving such exposure decades after its occurrence is not scientifically or medically possible; and

Whereas thousands of veterans who served in the Armed Forces in the bays, harbors, and territorial seas of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, die at increasing rates every year: Now, therefore, be it

1        *Resolved by the Senate (the House of Representatives*  
2 *concurring)*, That Congress—

3            (1) recognizes the intent of the Agent Orange  
4        Act of 1991 (Public Law 102–4) included the pre-  
5        sumption that those veterans who served in the  
6        Armed Forces in the bays, harbors, and territorial  
7        seas of the Republic of Vietnam during the period  
8        beginning on January 9, 1962, and ending on May  
9        7, 1975, were exposed to the Agent Orange dioxin;

10          (2) intends for those veterans who served in the  
11        Armed Forces during the period beginning on Janu-  
12        ary 9, 1962, and ending on May 7, 1975, in the  
13        bays, harbors, territorial seas, inland waterways, on

1 the ground in the Republic of Vietnam, and other  
2 areas exposed to Agent Orange, and having been di-  
3 agnosed with connected medical conditions to be  
4 equally recognized for such exposure through equi-  
5 table benefits and coverage; and

6 (3) calls on the Department of Veterans Affairs  
7 to acknowledge this intent of Congress, rescind the  
8 VA Adjudication Procedure Manual M21-1, Part  
9 IV, Subpart II, Chapter 1, Section H, Topic 28.h,  
10 and reissue guidance extending presumptive cov-  
11 erage for exposure to Agent Orange to veterans de-  
12 scribed in paragraph (1).

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