

**NINETY-EIGHTH NATIONAL CONVENTION
OF
THE AMERICAN LEGION
Cincinnati, Ohio
August 30, 31, September 1, 2016**

**Resolution No. 161: Agent Orange Presumption for Service in Southeast Asia Since 1975
Origin: Pennsylvania
Submitted by: Convention Committee on Veterans Affairs & Rehabilitation**

WHEREAS, Agent Orange was the most common herbicide used in Southeast Asia by the U.S. Armed Forces during the Vietnam War from 1962-1971; and

WHEREAS, According to the Institute of Medicine of the National Academies, U.S. military forces sprayed over 19 million gallons of herbicide over Vietnam; and

WHEREAS, Agent Orange was contaminated by the carcinogen dioxin- 2, 3, 7, 8 tetrachlorodibenzo--dioxin (TCDD); and

WHEREAS, Over 2 million veterans served in Vietnam during the Vietnam War and are presumed to have been exposed to Agent Orange; and

WHEREAS, A significant number of Vietnam veterans have developed various cancers, neurological disorders, liver dysfunction and other severe diseases; and

WHEREAS, Current law 38 USC Sec. 1116 and 38 CFR 3.307 state a veteran who, during active military 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; and

WHEREAS, Joint POW/MIA Accounting Command (JPAC) was activated on October 1, 2003, created from the merger of the 30-year-old U.S. Army Central Identification Laboratory - Hawaii and the 11-year-old Joint Task Force – Full Accounting, which replaced the 19-year old Joint Casualty Resolution Center; and

WHEREAS, Commanded by a flag officer, JPAC is manned by approximately 400 handpicked soldiers, sailors, airmen, Marines and Department of the Navy civilians; and

WHEREAS, JPAC maintains three permanent overseas detachments and are assigned active duty servicemembers; and

WHEREAS, Detachment Two is stationed in Hanoi, Vietnam and routinely carries out day-to-day operations involving investigating leads, recovering and identifying Americans who were killed in action but never brought home; and

WHEREAS, Hatfield Consultants, out of North Vancouver, British Columbia, Canada; and the Office of the National Steering Committee 33 Ministry of Natural Resources and Environment, out of Hanoi, Vietnam, have performed multiple environmental and human health assessments of dioxin contamination in Vietnam as late as 2011; and

WHEREAS, Significant quantities of TCDD were detected in soil samples in December 2006, January 2008 and 2010; and

WHEREAS, A Hatfield Consultants report dated April 2007 states, “The present study (and previous work by Hatfield/10-80 Division of the Ministry of Health [1998, 2000, 2003,2005]) has verified that the highest concentrations of Agent Orange dioxin in soils/sediments in Viet Nam are found in the top 10 cm layer”; and

WHEREAS, Dioxin levels exceed Vietnamese and international standards and guidelines for TCDD; and

WHEREAS, Tilapia, the most common fish captured and raised in Vietnam, were found to have more than 200 times the acceptable level established by Health Canada; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Cincinnati, Ohio, August 30, 31, September 1, 2016, That The American Legion request Congress and the Department of Veterans Affairs (VA) grant those members of the United States Military of the Joint POW/MIA Accounting Command; The U.S. Army Central Identification Laboratory - Hawaii, the Joint Task Force – Full Accounting, and the Joint Casualty Resolution Center, who have been activated and served in Vietnam, Laos and Cambodia be presumed to have been exposed during such service to an herbicide agent; and, be it finally

RESOLVED, That the VA grant these personnel the same compensation as their counterparts who served between January 9, 1962 and May 7, 1975.