

By: Hinojosa

S.C.R. No. 38

1                           SENATE CONCURRENT RESOLUTION

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

9           WHEREAS, The United States Congress passed the Agent Orange  
10 Act of 1991 to address the plight of veterans exposed to herbicides  
11 while serving in the Republic of Vietnam; the Act amended Title 38  
12 of the United States Code to presumptively recognize as  
13 service-connected certain diseases among military personnel who  
14 served in Vietnam between 1962 and 1975; this presumption has  
15 provided access to appropriate disability compensation and medical  
16 care for Vietnam veterans diagnosed with such illnesses as Type II  
17 diabetes, Hodgkin's disease, non-Hodgkin's lymphoma, chronic  
18 lymphocytic leukemia, multiple myeloma, prostate cancer,  
19 respiratory cancers, and soft-tissue sarcomas; and

20           WHEREAS, Pursuant to a 2001 directive, United States  
21 Department of Veterans Affairs policy has denied the presumption of  
22 a service connection for herbicide-related illnesses to Vietnam  
23 veterans who could not furnish written documentation that they had  
24 "boots on the ground" in-country, making it virtually impossible

1 for countless United States Navy and United States Air Force  
2 veterans to pursue their claims for benefits; many who had landed on  
3 Vietnamese soil could not produce proof due to incomplete or  
4 missing military records; moreover, personnel who had served on  
5 ships in the "Blue Water Navy" in Vietnamese territorial waters  
6 were, in fact, exposed to dangerous airborne toxins, which not only  
7 drifted offshore but also washed into streams and rivers draining  
8 into the South China Sea; and

9       WHEREAS, Warships positioned off the Vietnamese shore  
10 routinely distilled seawater to obtain potable water; a 2002  
11 Australian study found that the distillation process, rather than  
12 removing toxins, in fact concentrated dioxin in water used for  
13 drinking, cooking, and washing; this study was conducted by the  
14 Australian Department of Veterans' Affairs after it found that  
15 Vietnam veterans of the Royal Australian Navy had a higher rate of  
16 mortality from Agent Orange-associated diseases than did Vietnam  
17 veterans from other branches of the military; when the United  
18 States Centers for Disease Control and Prevention studied specific  
19 cancers among Vietnam veterans, it found a higher risk of cancer  
20 among United States Navy veterans; and

21       WHEREAS, Agent Orange did not discriminate between soldiers  
22 on the ground and sailors on ships offshore, and legislation to  
23 recognize this tragic fact and restore eligibility for compensation  
24 and medical care to United States Navy and United States Air Force  
25 veterans who sacrificed their health for their country is critical;  
26 and

27       WHEREAS, When the Agent Orange Act passed in 1991 with no

1 dissenting votes, congressional leaders stressed the importance of  
2 responding to the health concerns of Vietnam veterans and ending  
3 the bitterness and anxiety that had surrounded the issue of  
4 herbicide exposure; the United States Congress should reaffirm the  
5 nation's commitment to the well-being of all of its veterans and  
6 direct the United States Department of Veterans Affairs to  
7 administer the Agent Orange Act under the presumption that  
8 herbicide exposure in the Republic of Vietnam includes the  
9 country's inland waterways, offshore waters, and airspace; now,  
10 therefore, be it

11         RESOLVED, That the 81st Legislature of the State of Texas  
12 respectfully urge the Congress of the United States to restore the  
13 presumption of a service connection for Agent Orange exposure to  
14 United States Navy and United States Air Force veterans who served  
15 on the inland waterways, in the territorial waters, and in the  
16 airspace of the Republic of Vietnam; and, be it further

17         RESOLVED, That the Texas secretary of state forward official  
18 copies of this resolution to the president of the United States, to  
19 the speaker of the house of representatives and the president of the  
20 senate of the United States Congress, and to all the members of the  
21 Texas delegation to the congress with the request that this  
22 resolution be officially entered in the Congressional Record as a  
23 memorial to the Congress of the United States of America.