

By: Hinojosa

S.C.R. No. 38

CONCURRENT RESOLUTION

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

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

19 WHEREAS, Pursuant to a 2001 directive, Department of Veterans
20 Affairs policy has denied the presumption of a service connection
21 for herbicide-related illnesses to Vietnam veterans who could not
22 furnish written documentation that they had "boots on the ground"
23 in-country, making it virtually impossible for countless Navy and
24 Air Force veterans to pursue their claims for benefits; many who had

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

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

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

24 WHEREAS, When the Agent Orange Act passed in 1991 with no
25 dissenting votes, Congressional leaders stressed the importance of
26 responding to the health concerns of Vietnam veterans and ending
27 the bitterness and anxiety that had surrounded the issue of

1 herbicide exposure; Congress should reaffirm the nation's
2 commitment to the well-being of all of its veterans and direct the
3 Department of Veterans Affairs to administer the Agent Orange Act
4 under the presumption that herbicide exposure in the Republic of
5 Vietnam includes the country's inland waterways, offshore waters,
6 and airspace; now, therefore, be it

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

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