

1-1 By: Hinojosa S.C.R. No. 38
1-2 (In the Senate - Filed March 4, 2009; March 13, 2009, read
1-3 first time and referred to Committee on Veteran Affairs and
1-4 Military Installations; March 30, 2009, reported favorably by the
1-5 following vote: Yeas 4, Nays 0; March 30, 2009, sent to printer.)

1-6 SENATE CONCURRENT RESOLUTION

1-7 WHEREAS, During the Vietnam War, the United States military
1-8 sprayed more than 19 million gallons of Agent Orange and other
1-9 herbicides over Vietnam to reduce forest cover and crops used by the
1-10 enemy; these herbicides contained dioxin, which has since been
1-11 identified as carcinogenic and has been linked with a number of
1-12 serious and disabling illnesses now affecting thousands of
1-13 veterans; and

1-14 WHEREAS, The United States Congress passed the Agent Orange
1-15 Act of 1991 to address the plight of veterans exposed to herbicides
1-16 while serving in the Republic of Vietnam; the Act amended Title 38
1-17 of the United States Code to presumptively recognize as
1-18 service-connected certain diseases among military personnel who
1-19 served in Vietnam between 1962 and 1975; this presumption has
1-20 provided access to appropriate disability compensation and medical
1-21 care for Vietnam veterans diagnosed with such illnesses as Type II
1-22 diabetes, Hodgkin's disease, non-Hodgkin's lymphoma, chronic
1-23 lymphocytic leukemia, multiple myeloma, prostate cancer,
1-24 respiratory cancers, and soft-tissue sarcomas; and

1-25 WHEREAS, Pursuant to a 2001 directive, United States
1-26 Department of Veterans Affairs policy has denied the presumption of
1-27 a service connection for herbicide-related illnesses to Vietnam
1-28 veterans who could not furnish written documentation that they had
1-29 "boots on the ground" in-country, making it virtually impossible
1-30 for countless United States Navy and United States Air Force
1-31 veterans to pursue their claims for benefits; many who had landed on
1-32 Vietnamese soil could not produce proof due to incomplete or
1-33 missing military records; moreover, personnel who had served on
1-34 ships in the "Blue Water Navy" in Vietnamese territorial waters
1-35 were, in fact, exposed to dangerous airborne toxins, which not only
1-36 drifted offshore but also washed into streams and rivers draining
1-37 into the South China Sea; and

1-38 WHEREAS, Warships positioned off the Vietnamese shore
1-39 routinely distilled seawater to obtain potable water; a 2002
1-40 Australian study found that the distillation process, rather than
1-41 removing toxins, in fact concentrated dioxin in water used for
1-42 drinking, cooking, and washing; this study was conducted by the
1-43 Australian Department of Veterans' Affairs after it found that
1-44 Vietnam veterans of the Royal Australian Navy had a higher rate of
1-45 mortality from Agent Orange-associated diseases than did Vietnam
1-46 veterans from other branches of the military; when the United
1-47 States Centers for Disease Control and Prevention studied specific
1-48 cancers among Vietnam veterans, it found a higher risk of cancer
1-49 among United States Navy veterans; and

1-50 WHEREAS, Agent Orange did not discriminate between soldiers
1-51 on the ground and sailors on ships offshore, and legislation to
1-52 recognize this tragic fact and restore eligibility for compensation
1-53 and medical care to United States Navy and United States Air Force
1-54 veterans who sacrificed their health for their country is critical;
1-55 and

1-56 WHEREAS, When the Agent Orange Act passed in 1991 with no
1-57 dissenting votes, congressional leaders stressed the importance of
1-58 responding to the health concerns of Vietnam veterans and ending
1-59 the bitterness and anxiety that had surrounded the issue of
1-60 herbicide exposure; the United States Congress should reaffirm the
1-61 nation's commitment to the well-being of all of its veterans and
1-62 direct the United States Department of Veterans Affairs to
1-63 administer the Agent Orange Act under the presumption that
1-64 herbicide exposure in the Republic of Vietnam includes the

2-1 country's inland waterways, offshore waters, and airspace; now,
2-2 therefore, be it

2-3 RESOLVED, That the 81st Legislature of the State of Texas
2-4 respectfully urge the Congress of the United States to restore the
2-5 presumption of a service connection for Agent Orange exposure to
2-6 United States Navy and United States Air Force veterans who served
2-7 on the inland waterways, in the territorial waters, and in the
2-8 airspace of the Republic of Vietnam; and, be it further

2-9 RESOLVED, That the Texas secretary of state forward official
2-10 copies of this resolution to the president of the United States, to
2-11 the speaker of the house of representatives and the president of the
2-12 senate of the United States Congress, and to all the members of the
2-13 Texas delegation to the congress with the request that this
2-14 resolution be officially entered in the Congressional Record as a
2-15 memorial to the Congress of the United States of America.

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