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SENATE CONCURRENT RESOLUTION

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

8 WHEREAS, Many American civilians were also exposed to dioxin 9 through their employment in places such as stateside repair depots 10 for military helicopters; in addition, Vietnamese Americans who 11 immigrated in the 1970s and early 1980s may have suffered exposure 12 in their native land; and

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

WHEREAS, Pursuant to a 2001 directive, United States

Department of Veterans Affairs policy has denied the presumption of 1 2 a service connection for herbicide-related illnesses to Vietnam veterans who cannot furnish written documentation that they had 3 "boots on the ground" in-country, making it virtually impossible 4 for countless United States Navy and United States Air Force 5 veterans to pursue their claims for benefits; many who landed on 6 7 Vietnamese soil cannot produce proof due to incomplete or missing military records; moreover, personnel who served on ships in the 8 9 "Blue Water Navy" in Vietnamese territorial waters were, in fact, exposed to dangerous airborne toxins, which not only drifted 10 11 offshore but also washed into streams and rivers draining into the South China Sea; and 12

13 WHEREAS, Warships positioned off the Vietnamese shore routinely distilled seawater to obtain potable water; a 2002 14 15 Australian study found that the distillation process, rather than 16 removing toxins, in fact concentrated dioxin in water used for drinking, cooking, and washing; this study was conducted by the 17 Australian Department of Veterans' Affairs after it found that 18 Vietnam veterans of the Royal Australian Navy had a higher rate of 19 20 mortality from Agent Orange-associated diseases than did Vietnam veterans from other branches of the military; when the United 21 States Centers for Disease Control and Prevention studied specific 22 cancers among Vietnam veterans, it found a higher risk of cancer 23 24 among United States Navy veterans; and

25 WHEREAS, Agent Orange did not discriminate between soldiers 26 on the ground and sailors on ships offshore, and legislation to 27 recognize this tragic fact and restore eligibility for compensation

and medical care to United States Navy and United States Air Force veterans who sacrificed their health for their country is critical; civilians who came into contact with this poisonous substance through their employment or while residing in Vietnam likewise should be eligible for appropriate medical care to treat illnesses related to their exposure; and

7 WHEREAS, Civilians who were exposed to Agent Orange through their employment have special difficulty receiving care 8 and 9 compensation for related conditions, as they must file their claims through the United States Department of Labor, which requires them 10 11 to furnish proof of a causal connection between their jobs and their illnesses; such proof is difficult to provide, since cancer and 12 13 other diseases that can be caused by exposure tend to develop over 14 long periods of time; and

15 WHEREAS, When the Agent Orange Act passed in 1991 with no 16 dissenting votes, congressional leaders stressed the importance of responding to the health concerns of Vietnam veterans and ending 17 the bitterness and anxiety that had surrounded the issue of 18 herbicide exposure; the federal government has also demonstrated 19 20 its awareness of the hazards of Agent Orange exposure through its involvement in the identification, containment, and mitigation of 21 dioxin "hot spots" in Vietnam; and 22

WHEREAS, The United States Congress should reaffirm the nation's commitment to the well-being of all of its veterans and direct the United States Department of Veterans Affairs to administer the Agent Orange Act under the presumption that herbicide exposure in the Republic of Vietnam includes the

1 country's inland waterways, offshore waters, and airspace;
2 similarly, Congress should institute a presumption of connection to
3 employment for civilians exposed to Agent Orange in their
4 workplaces to ensure they have access to the health care they need;
5 now, therefore, be it

6 RESOLVED, That the 83rd Legislature of the State of Texas 7 hereby respectfully urge the Congress of the United States to restore the presumption of a service connection for Agent Orange 8 9 exposure to United States Navy and United States Air Force veterans 10 who served on the inland waterways, in the territorial waters, and in the airspace of the Republic of Vietnam and to institute a 11 presumption of connection to employment for civilians exposed to 12 Agent Orange in their workplaces; and, be it further 13

RESOLVED, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the president of the Senate and speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

President of the SenateSpeaker of the HouseI hereby certify that S.C.R. No. 17 was adopted by the Senateon April 4, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.C.R. No. 17 was adopted by the House on May 17, 2013, by the following vote: Yeas 134, Nays O, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor