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(Smith)

S.C.R. No. 17

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

24 WHEREAS, Pursuant to a 2001 directive, United States

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

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

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

7         WHEREAS, Civilians who were exposed to Agent Orange through  
8 their employment have special difficulty receiving care and  
9 compensation for related conditions, as they must file their claims  
10 through the United States Department of Labor, which requires them  
11 to furnish proof of a causal connection between their jobs and their  
12 illnesses; such proof is difficult to provide, since cancer and  
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  
17 responding to the health concerns of Vietnam veterans and ending  
18 the bitterness and anxiety that had surrounded the issue of  
19 herbicide exposure; the federal government has also demonstrated  
20 its awareness of the hazards of Agent Orange exposure through its  
21 involvement in the identification, containment, and mitigation of  
22 dioxin "hot spots" in Vietnam; and

23         WHEREAS, The United States Congress should reaffirm the  
24 nation's commitment to the well-being of all of its veterans and  
25 direct the United States Department of Veterans Affairs to  
26 administer the Agent Orange Act under the presumption that  
27 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  
8 restore the presumption of a service connection for Agent Orange  
9 exposure to United States Navy and United States Air Force veterans  
10 who served on the inland waterways, in the territorial waters, and  
11 in the airspace of the Republic of Vietnam and to institute a  
12 presumption of connection to employment for civilians exposed to  
13 Agent Orange in their workplaces; and, be it further

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