

By: Hinojosa

S.C.R. No. 17

CONCURRENT RESOLUTION

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

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

12           WHEREAS, The United States Congress passed the Agent Orange  
13 Act of 1991 to address the plight of veterans exposed to herbicides  
14 while serving in the Republic of Vietnam; the Act amended Title 38  
15 of the United States Code to presumptively recognize as  
16 service-connected certain diseases among military personnel who  
17 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 diabetes, Hodgkin's disease, non-Hodgkin's lymphoma, chronic  
21 lymphocytic leukemia, multiple myeloma, prostate cancer,  
22 respiratory cancers, and soft-tissue sarcomas; and

23           WHEREAS, Pursuant to a 2001 directive, United States  
24 Department of Veterans Affairs policy has denied the presumption of

1 a service connection for herbicide-related illnesses to Vietnam  
2 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 Vietnamese soil cannot produce proof due to incomplete or missing  
7 military records; moreover, personnel who served on ships in the  
8 "Blue Water Navy" in Vietnamese territorial waters were, in fact,  
9 exposed to dangerous airborne toxins, which not only drifted  
10 offshore but also washed into streams and rivers draining into the  
11 South China Sea; and

12 WHEREAS, Warships positioned off the Vietnamese shore  
13 routinely distilled seawater to obtain potable water; a 2002  
14 Australian study found that the distillation process, rather than  
15 removing toxins, in fact concentrated dioxin in water used for  
16 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 mortality from Agent Orange-associated diseases than did Vietnam  
20 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 among United States Navy veterans; and

24 WHEREAS, Agent Orange did not discriminate between soldiers  
25 on the ground and sailors on ships offshore, and legislation to  
26 recognize this tragic fact and restore eligibility for compensation  
27 and medical care to United States Navy and United States Air Force

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

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

14 WHEREAS, When the Agent Orange Act passed in 1991 with no  
15 dissenting votes, congressional leaders stressed the importance of  
16 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 its awareness of the hazards of Agent Orange exposure through its  
20 involvement in the identification, containment, and mitigation of  
21 dioxin "hot spots" in Vietnam; and

22 WHEREAS, The United States Congress should reaffirm the  
23 nation's commitment to the well-being of all of its veterans and  
24 direct the United States Department of Veterans Affairs to  
25 administer the Agent Orange Act under the presumption that  
26 herbicide exposure in the Republic of Vietnam includes the  
27 country's inland waterways, offshore waters, and airspace;

1 similarly, Congress should institute a presumption of connection to  
2 employment for civilians exposed to Agent Orange in their  
3 workplaces to ensure they have access to the health care they need;  
4 now, therefore, be it

5         RESOLVED, That the 83rd Legislature of the State of Texas  
6 hereby respectfully urge the Congress of the United States to  
7 restore the presumption of a service connection for Agent Orange  
8 exposure to United States Navy and United States Air Force veterans  
9 who served on the inland waterways, in the territorial waters, and  
10 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  
14 copies of this resolution to the president of the United States, to  
15 the president of the Senate and speaker of the House of  
16 Representatives of the United States Congress, and to all the  
17 members of the Texas delegation to Congress with the request that  
18 this resolution be officially entered in the Congressional Record  
19 as a memorial to the Congress of the United States of America.